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Rules of Governmental Agencies

Volume 23, Issue 49 — December 03, 1999

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ILLINOIS REGISTER

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Issue 16 - April 16, 1999: Data Through March 31, 1999

Issue 29 - July 16, 1999: Data Through June 30, 1999

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INTRODUCTION

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* Monday following a state holiday.

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JOINT COMMITTEE ON ADMINISTRATIVE RULES

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STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Private Business and Vocational Schools

2) Code Citation: 23 Ill. Adm. Code 451

3) Section Numbers: Proposed Action:

| | |
|---------|-------------|
| 451.10 | Amendment |
| 451.55 | New Section |
| 451.100 | Amendment |
| 451.120 | Amendment |
| 451.250 | Amendment |
| 451.260 | Amendment |
| 451.270 | Amendment |
| 451.280 | Amendment |
| 451.285 | New Section |
| 451.420 | Amendment |
| 451.500 | Amendment |
| 451.520 | Amendment |
| 451.530 | Amendment |
| 451.555 | Amendment |
| 451.580 | Amendment |

4) Statutory Authority: 105 ILCS 425

5) A Complete Description of the Subjects and Issues Involved: P.A. 90-649, effective July 24, 1998, affected several Sections of the Private Business and Vocational Schools Act [105 ILCS 425]. In particular, the law authorizes the delivery of courses of instruction by distance education methods and establishes a new category of courses called "short courses." The proposed amendments include new Sections 451.55 and 451.285 to address these areas. In addition, numerous other changes are being made to specifically reference requirements for schools that choose to offer courses of instruction through distance education means.

Other changes in the law are more technical in nature and affect the reporting period and content of such reports, date of admission, amount of the registration or application fees, and refund requirements. The regulatory changes necessitated by these amendments have been made in the appropriate Sections of the rules.

6) Will these proposed amendments replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

10) Statement of Statewide Policy Objectives: This rulemaking will not create or enlarge a state mandate.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days of the publication of this notice to:

Sally Vogl
Agency Rules Coordinator
Illinois State Board of Education
100 North First Street, S-284
Springfield, Illinois 62777-0001
217/782-3950

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: Private business and vocational schools approved for operation in the State of Illinois or those seeking to receive a certificate of approval to operate.

B) Reporting, bookkeeping or other procedures required for compliance: The rules reference requirements in the law regarding certain reporting requirements, including timelines and content. A private business and vocational school would also be required to submit an application for approval of any short course it chooses to offer (see Section 451.55) and provide certain information specific to distance education courses of instruction.

C) Types of professional skills necessary for compliance: Not applicable.

13) Regulatory Agenda on which this rulemaking was summarized: January 1999

The full text of the Proposed Amendments begins on the next page:

STATE BOARD OF EDUCATION
NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER I: STATE BOARD OF EDUCATION
SUBCHAPTER m: POSTSECONDARY SCHOOLS

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PRIVATE BUSINESS AND VOCATIONAL SCHOOLS
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- Section
451.10 Introduction
451.20 Application for Certificate of Approval
451.30 Out-of State School Approval
451.40 Classroom Extensions
451.50 Supplementary Courses of Instruction
451.55 Short Course
451.60 Change of School Location
451.70 Change of School Ownership
451.80 School Closing/Change of Status
451.90 Warning, Suspension, Revocation of Accreditation and/or Approval
451.100 Inspection and Periodic Review
451.110 Cease and Desist Orders
451.120 Comparison of Graduation or Completion Rates

SUBPART B: SCHOOL STRUCTURE AND OPERATIONS

- Section
451.200 School Purpose
451.210 Administration and Organization
451.220 Financial Resources/Financial Recordkeeping
451.230 School Surety Bond
451.235 Liability Insurance
451.240 Recordkeeping
451.250 School Advertising
451.260 School Catalog/Bulletin
451.270 Instructional Program and Services
451.280 Additional Requirements for Home Study and Home Study/In-Residence Schools
451.285 Additional Requirements for Distance Education
451.290 Student Work Experience
451.300 Instructional Equipment, Facilities and Materials

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- Section
451.400 Administrator Qualifications
451.410 Faculty Qualifications

- 451.420 Sales Representatives
451.430 Sales Representative Bond

SUBPART D: STUDENTS

- Section
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451.510 Handicapped Students
451.520 Enrollment Agreements
451.530 Student Obligations, Cancellation and Refund Policies
451.540 Student Personnel Services
451.550 Placement Assistance
451.555 Student Progress
451.560 Student Attendance and Tardiness
451.570 Student Conduct and Discipline
451.580 Student Rights
451.590 Student Complaints

AUTHORITY: Implementing and authorized by the Private Business and Vocational Schools Act [105 ILCS 425] and Section 11-2.1 of the Public Aid Code [305 ILCS 5/11-2.1].

SOURCE: Adopted February 1, 1973; codified at 8 Ill. Reg. 16289; Part repealed, new Part adopted at 14 Ill. Reg. 7518, effective May 3, 1990; amended at 17 Ill. Reg. 22527, effective December 16, 1993; amended at 22 Ill. Reg. 7584, effective April 17, 1998; amended at 24 Ill. Reg. _____, effective _____.

SUBPART A: SCHOOL APPROVAL

Section 451.10 Introduction

- a) The State of Illinois recognizes the importance and significant public contributions of private schools offering occupational training to its citizens. It has delegated responsibility for rulemaking and approving and monitoring these schools to the State Board of Education and State Superintendent of Education in the Private Business and Vocational Schools Act [105 ILCS 425] ~~which~~ ^{hereinafter referred to as the Act.} ~~Supp. ch. 144, par. 136 et seq.~~ The Act provides for the establishment of rules and standards that which schools and individuals must meet prior to the issuance of original certificates of approval or permits and the renewal of such certificates or permits.
- b) Schools or individuals making original application for approval shall meet all applicable requirements of this Part prior to a certificate of approval or permit being issued. Schools or sales representatives already holding valid certificates of approval or permits shall satisfy all provisions stated herein as a condition for the renewal of

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- their certificate or permit(s).
- c) Each school ~~Schools~~ shall have a copy of the Act and this Part available for reference by its ~~their~~ staff and students at its ~~their~~ principal location within Illinois.

Section 451.55 Short Course

- a) The school shall make application for approval of any short course, as defined in Section 1 of the Act [105 ILCS 425/1], by completing forms provided by the Superintendent and paying the fee specified in Section 10 of the Act [105 ILCS 425/10].
- b) Applications for approval of short courses shall be submitted at least 30 calendar days prior to the date that instruction in the course will begin.
- c) Requirements for approval of short courses shall be the same as those for course approval under Section 451.270 of this Part.

(Source: Added at 24 Ill. Reg. _____, effective _____)

Section 451.100 Inspection and Periodic Review

- a) A school shall provide the Superintendent and his/her designee(s) access to all information, records, physical facilities, virtual classrooms, school personnel, including advisory groups and administrators, students and graduates as may be necessary to verify compliance with the Act and this Part.
- b) A school shall permit the Superintendent or his/her designee(s) to inspect the school with or without notice (Section 7(5) 7-5 of the ~~Private-Business-and-Vocational-Schools Act [105 ILCS 425/7(5)] 7-111-Rev-Stat--1988-Supp-7-ch-147-par-142~~).
- c) A school located in Illinois shall be inspected within the first 18 ~~eighteen-18~~ months after the issuance of its original Illinois certificate of approval.
- d) After an initial inspection prior to original approval, existing schools shall be inspected for the purposes of validating continuing compliance with the Act and this Part and to determine whether the school is adhering to its own policies and procedures and is providing its described programs and services.
- e) Whenever an inspection or other investigation reveals lack of compliance with the Act or this Part, the Superintendent shall send the school a report of deficiencies. The school shall have 15 ~~fifteen~~ ~~15~~ calendar days to respond to the report on actions that ~~which~~ have been taken to correct these deficiencies.
- 1) The school's response shall indicate action ~~that~~ ~~which~~ has been or will be taken to correct deficiencies cited.
- 2) If violations cited are not corrected within 30 calendar ~~thirty~~ ~~30~~ days following the school's receipt of the report, the

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Superintendent shall proceed to a hearing to revoke, suspend, or place on probation the school's certificate of approval.

- 3) A school whose certificate has been placed on suspension shall not be permitted to engage in any marketing or student enrollment activities or begin the instruction of any new students during the period of suspension.

- f) For the purpose of conducting periodic inspections, with 30 ~~thirty~~ ~~30~~ calendar days' notice, the Superintendent may require schools located 50 ~~fifty-50~~ ~~50~~ or more miles outside Illinois to furnish in writing the same information reviewed during on-site inspections of schools located in Illinois.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 451.120 Comparison of Graduation or Completion Rates

- a) The following definitions shall apply for purposes of collecting data for comparison of graduation or completion rates as required in Section 14.1 of the ~~Private-Business-and-Vocational-Schools Act [105 ILCS 425/14.1]~~ ~~111-Rev-Stat--1988-Supp-7-ch-147-par-149-17~~ and this Part:

- 1) "Business schools" include but are not limited to schools in which the majority of students are enrolled in courses of instruction or subjects such as accounting, business management, computer programming and operations, court reporting, data entry and reporting, fashion careers, hospitality/hotels, paralegal, retailing and merchandising, secretarial and office skills, securities and banking, travel, and word processing.

- 2) "Technical or Vocational schools" include trade schools and other schools in which the majority of students are enrolled in courses of instruction or subjects such as art/design, aviation, appliance repair, automotive repair, bartending, commercial arts, computer maintenance, carpentry, cooking, diesel technology, dog-grooming, drafting, electronics technology, forestry, heating/air conditioning, horseshoeing, interior decoration, locksmithing, modeling, sign painting, radio/television broadcasting, shoe repair, truck driving, welding, and allied health occupations such as dental assistant ~~assisting~~, health aide ~~aides~~, medical assistant, medical records, medical technician, nurse's aide/assistant ~~nurses--aides/assistant~~, and pharmacy assistant.

- b) The Superintendent shall annually review and investigate all approved schools and courses of instruction. Such annual review shall include a comparison between the graduation or completion rate for the school and the graduation or completion rate for the schools within the industry the school represents such as business, technical or vocational schools, for the reporting period of July 1 through June

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30. Any school that fails to maintain a graduation or completion rate greater than 50% of the average graduation or completion rate for schools within that industry shall be placed on probation for one year. If that school's graduation or completion rate fails to exceed 50% of the average graduation rate for schools within that industry for that school's next reporting period fiscal-year, then the Superintendent shall revoke that school's approval to operate in the State of Illinois (Section 14.1 of the Private-Business-and-Vocational Schools Act--111--Rev-Stat--1988-Supp-7--ch--144--par--149-i).

c) To satisfy this requirement schools shall submit data annually to the Superintendent that which identifies graduation or completion rates.

- 1) Data shall be submitted on forms provided by the Superintendent at the time of application for renewal of the school's certificate of approval.
- 2) Data shall be compiled for the school's last completed reporting period of July 1 through June 30 fiscal-year prior to filing a renewal application and shall be certified true and correct by the owner, officer, or chief managing employee.
- 3) The graduation or completion rate shall be calculated by dividing the total number of students who completed the course of instruction or graduated in that year by the total number of students who were originally scheduled to complete the course of instruction or graduate in that year, as set forth in their enrollment agreements.
- 4) Schools shall maintain records, available for the Superintendent's review, that which substantiate the annual graduation or completion rate data submitted. Recordkeeping required in Section 451.240 of this Part will satisfy the requirements of this subsection.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

SUBPART B: SCHOOL STRUCTURE AND OPERATIONS

Section 451.250 School Advertising

- a) The school and its agents shall not make or cause to be made any oral, written, or visual presentation in connection with the offering or publicizing of a subject or course of instruction that which is false, deceptive, inaccurate, or misleading.
- b) A school shall submit with its original application all materials designed for direct mailing or media presentation in Illinois to the Superintendent for review for compliance in accordance with standards set forth in this Part. In its advertising, a school shall:
 - 1) limit reference to its approved status to: "Certificate of Approval To Operate Issued By the Illinois State Superintendent of Education";

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- 2) disclose whether it is a distance education, distance education/in-residence, home study or home study/in-residence school if it provides such instruction;
 - 3) use photographs or other illustrations of school facilities only if these are the facilities being used to provide instruction (in the case of national advertising, the facilities shown must be representative of those that which will be used);
 - 4) use photographs or other illustrations in ways that which accurately portray the size and location of the school, its equipment and facilities or the career for which the student is being trained (in the case of national advertising, the school, equipment, and facilities portrayed must be representative of those that which will be used or provided);
 - 5) advertise starting salaries of its former students only if these claims can be documented for the most recent reporting 12-month period of July 1 through June 30.
- c) In its advertising, a school shall not:
- 1) describe its courses of instruction and subjects in a manner other than the approved title designations recorded on its current certificate of approval;
 - 2) represent that it is endorsed by or affiliated with a college or university or other school of higher learning unless such statement is true;
 - 3) advertise the transferability of its credits to colleges or universities unless it has written evidence on file of current acceptability of such credits from colleges and universities, state approval and accrediting authorities, or the American Council on Education;
 - 4) advertise it is endorsed by manufacturers, business establishments, or organizations engaged in the line of work for which it gives training unless it has on file written evidence of each such endorsement with the name and address of the endorser and the date of endorsement;
 - 5) advertise accredited status unless such status has been received from an accrediting body currently listed as recognized by the U.S. Department of Education;
 - 6) advertise as an employment agency or under the same or similar name as such an agency or knowingly advertise training courses in the "Help Wanted" section of any newspaper;
 - 7) make statements assuring or guaranteeing membership in a union or other organization as a result of completing the course of instruction unless this fact can be documented;
 - 8) advertise any tuition, fees, or other charges in amounts other than those currently on file with the Superintendent or advertise them without showing the total cost, including fees;
 - 9) represent that a course of instruction has been recently revised, that it has a revision system or service, or represent in any manner its ability to keep a course of instruction current unless

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this can be verified.

- d) A school making original application or seeking approval for a new course of instruction may submit a written petition to the Superintendent requesting permission to advertise prior to receipt of approval. The school will be authorized to advertise for a period no longer than 90 ~~thirty~~ calendar days prior to its projected starting date. The authorization will be granted within ten business days after of receipt of:

- 1) a completed application; and
 - 2) the requisite fee, as specified in Section 10 of the Act.
- e) A school approved by the Superintendent that advertises or offers instruction via the Internet or other electronic telecommunication media shall state, both on the home page of its web site, if applicable, and in its catalog/bulletin, that the school is authorized for operation pursuant to the "Certificate of Approval To Operate Issued By the Illinois State Superintendent of Education, 100 North First Street, Springfield, Illinois 62777." In the case of an Internet site, the required statement must include a picture/button link to the State Board of Education's Private Business and Vocational School's home page that lists all the private business and vocational schools that the State Board of Education has approved for operation.
- f) The school receiving approval to advertise shall adhere to the requirements provided in this Section. It shall not advise or advertise it is approved until a certificate of approval has been received from the Superintendent.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 451.260 School Catalog/Bulletin

- a) The catalog/bulletin shall be the school's principal printed means to explain its operations and requirements to prospective and enrolled students. It shall be current, complete and accurate for each school term.
- b) A school shall furnish each applicant with a copy of its most recent catalog/bulletin, together with any supplements and/or errata sheets prior to the applicant's signing of an enrollment agreement.
- c) Descriptions of courses of instruction and subjects shall be consistent with curricula previously approved by the Superintendent.
- d) If the catalog/bulletin includes names of instructors teaching faculty, such names shall be accurate as of the date of issue of the school's certificate of approval.
- e) At the time of renewal application the school shall submit three copies of its current catalog/bulletin and supplements and errata sheets.
- f) The catalog/bulletin shall include the following information:
 - 1) the school's philosophy or mission and objectives;

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- 2) month and year of publication;
- 3) names, addresses, and telephone numbers of the school's administrative offices and all teaching locations;
- 4) a description of each course of instruction in clock hours or credit hours, including whether the delivery method is in-residence, home study, distance education or some combination of these methods;
- 5) criteria for the issuance of certificates and/or diplomas;
- 6) admissions policies, including prerequisites for admission;
- 7) grading scales and standards of student progress;
- 8) specific policies on advanced standing, if any;
- 9) schedule of tuition, fees and costs for books, supplies, equipment, services, rentals, deposits, housing costs;
- 10) methods of student payment;
- 11) the school's refund policy for unearned tuition, books, fees, and other charges;
- 12) academic calendar;
- 13) policies pertaining to absences and tardinesses and rules of conduct or a statement indicating where such policies may be found;
- 14) procedures for obtaining student transcripts;
- 15) a description of student services, if any;
- 16) a description of the placement assistance offered, if any;
- 17) minimum equipment, which shall include, but not be limited to, the specifications for hardware, modem, memory capacity and speed; software; and services that students must supply for participation in any course of instruction; and
- 18) a description of the school's procedures for receiving and processing student complaints in conformance with the requirements of Section 451.590 of this Part.

- g) The catalog/bulletin shall include the following notice:
"Certificate of Approval To Operate Issued By the Illinois State Superintendent of Education, 100 North First Street, Springfield, Illinois 62777."
- h) Supplements or errata sheets for the catalog/bulletin shall be filed with the Superintendent before or at the time of implementation of changes and shall include the date of printing thereon. In the event that information on a supplement or errata sheet supersedes other information in the catalog/bulletin, the sheet shall indicate this fact and identify the page and location of the superseded information in the catalog/bulletin.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 451.270 Instructional Program and Services

- a) A school shall design courses of instruction that which impart

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knowledge, develop skills, and effectively prepare students for employability in the occupations for which they are being trained.

- 1) Approved courses shall be implemented fully and taught in accordance with conditions for approval set by the Superintendent as required in this Section.
- 2) The school shall evaluate and update its approved curriculum on forms and with procedures of its own design.
- b) A school's objectives for its courses of instruction shall be consistent with its purpose and shall be supported by policies and procedures that which develop performance standards to be used in measuring the accomplishment of its students.
- c) No course of instruction or subject shall be taught without written approval from the Superintendent in accordance with subsections (c)(1) and (c)(2).
 - 1) The school shall not make any major changes in its approved courses or subjects, including the method by which the course is delivered, without prior consent from the Superintendent.
 - 2) The Superintendent shall approve changed courses only after applying the same criteria set forth in this Section for granting original course and subject approval.
- d) A school shall establish explicit objectives regarding student learning for each course of instruction and subject offered. The objectives shall include statements of the specific knowledge and skills each student must achieve by the time of course completion.
- e) A school shall have current, comprehensive, organized, and detailed instructional outlines, courses of study, syllabi, teaching guides, and lesson plans that which indicate scope and sequence of subject matter and learning experiences sufficient for students to achieve announced objectives for each course of instruction and subject.
 - 1) Each teacher shall have the school's curriculum materials for assigned subjects in his/her possession and be knowledgeable of their contents prior to teaching these subjects.
 - 2) The school's administration shall require each teacher to use the school's curriculum materials.
- f) A school shall determine the total number of hours required for completion of each course of instruction and subject and the total amount of time to be devoted to each phase within each course and subject.
 - 1) The school shall establish the number of hours students are to spend in classroom, practice, and work experience.
 - 2) The school shall determine the educational content and length of the period of study for each course and subject only after considering and appraising information derived from research data, previous instructional experiences, the practices prevailing in public and other private schools and in military, business, and industrial training programs.
 - 3) The comprehensiveness, content, and length of the school's courses of instruction shall be consistent with its explicit

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learning objectives.

- g) A school shall utilize instructional methods that which facilitate achievement of student learning objectives.
 - 1) Instructors Faculty shall be competent in the methods the school has adopted as most appropriate for its curriculum and students.
 - 2) The chief managing employee shall ensure that instructors faculty members apply the methods adopted.
- h) The school shall use textbooks, instructional materials and/or software consistent with its identified curricular objectives for each of its courses of instruction and subjects.
- i) The school shall maintain the following information on its texts and home study and distance education lessons currently in use:
 - 1) titles;
 - 2) authors and/or contributing subject matter specialists;
 - 3) publishers;
 - 4) copyright dates.
- j) A school shall have samples of all tests and other student evaluation devices used by the school available for the Superintendent's inspection for a period of not less than one calendar year following such use.
- k) In-residence, and home study/in-residence, and distance education schools shall maintain and, upon the request of the Superintendent, provide their policies for limiting:
 - 1) the number of classes an instructor a--faculty--member may be assigned to teach on any day when the school is in session;
 - 2) the total number of students the instructor faculty-member may be assigned to teach in any week;
 - 3) the total number of different subject preparations an instructor a--faculty--member may be assigned to teach on any day in any week.
- l) In-residence, and home study/in-residence, and distance education schools shall maintain and, upon request of the Superintendent, provide their policies for determining maximum student/instructor student/faculty ratios for each course of instruction and each subject within the course. Student/instructor Student/faculty ratio policies shall:
 - 1) be varied to conform to the requirements for different courses of instruction and subjects; and
 - 2) give the rationale used to determine how the maximum class sizes for different courses and subjects were determined.
- m) Except in circumstances where the school has presented evidence that the standards it uses are as effective in ensuring an opportunity for students to achieve stated course objectives, specifications ratios for classroom instruction shall not exceed 30:1 and for laboratory or clinical instruction shall not exceed 20:1.
- n) Home study schools, schools and home study/in-residence schools and distance education schools shall maintain and, upon request of the Superintendent, provide policies for determining the total number of instructor faculty hours required weekly to process, correct, and

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return home study and distance education lessons and examinations. The policies shall provide for instructor ~~faculty~~ responses to examinations with comments and suggestions for corrections of errors and apparent weaknesses to be returned within seven business days after receipt of the lessons and examinations at the school.

- o) In-residence schools shall not assign an instructor ~~a--faculty--member~~ to teach more than one subject, or cause any instructor ~~faculty~~ member to be responsible for instruction in two separate classrooms, during the same class period. An instructor ~~A--faculty--member~~ may teach more than one level of the same subject during the same class period, provided that in each such instance the school shall ensure that the instruction provided to each student is appropriate to his or her level. Evidence of compliance with this requirement shall be:
- 1) individual instructional programs; or
 - 2) class grouping and instruction by ability level.

- p) Approval of a course of instruction shall be continuous, provided provided:

- 1) the school continues to have approved status;
- 2) the scope and sequence of the course is the same as that previously approved by the Superintendent;
- 3) the course of instruction has been taught during the previous approval year;
- 4) the school continues to have approved instructors ~~faculty~~ for the course of instruction pursuant to Section 451.410 of this Part; and-
- 5) the method of delivery for the course of instruction has not changed.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 451.280 Additional Requirements for Home Study and Home Study/In Residence School

- a) The Superintendent shall approve home study courses of instruction only after determining that they meet the requirements stated herein. The home study school shall provide the Superintendent with a description of each course indicating all materials supplied to the student. The Superintendent may request such materials for any of the courses, and the school shall supply the materials it sends to its students for that course.

- b) The home study course of instruction shall be:

- 1) suitable for a student to learn by self-direction with assistance that will be provided by the school;
- 2) consistent with the educational background, reading ability, and interests of the school's students;
- 3) organized sequentially in units from rudimentary to advanced, with transitional materials to guide students through the course

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of instruction study;

- 4) designed to be current, and to meet actual job requirements for the school's graduates;
- 5) developed with the content necessary to ensure students will master the necessary skills and knowledge required for employment in the occupation for which they are being trained;
- 6) designed to permit the student to measure his/her progress and to apply knowledge learned (e.g., student checklist, examinations, sample problems and exercises).

- c) Except for material especially included to give instructions and to assist and encourage the student to complete his/her studies successfully, the home study course of instruction shall be limited to subject matter, pictures, and graphics that which are relevant to the course's specific occupational objectives.

- d) Home study examinations shall:

- 1) measure the extent of the student's mastery of each lesson and of the total course of instruction;
- 2) correspond with course objectives and the requirements for employment in the field.

- e) The home study school shall maintain a progress evaluation record.

- f) Prior to the approval of any course of instruction, the home study school shall provide the Superintendent with:

- 1) names of the authors and/or contributing subject matter specialists for all lessons and instructional materials, including a statement of their qualifications in the instructional field;
- 2) minimum passing scores for its tests and examinations.

- g) A home study/in-residence school shall not use the home study portion as the principal basis for the in-residence phase of instruction.

- 1) The school may use home study materials for a short review at the beginning of the in-residence phase.
- 2) The school shall not allow a student who has not successfully completed all home study examinations with passing grades to enter the in-residence phase of instruction.

- h) Unless otherwise specified, all requirements in this Part for in-residence schools shall apply to the in-residence phase of a home study/in-residence course of instruction.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 451.285 Additional Requirements for Distance Education

For the purposes of this Section, distance education courses of instruction include those in which all or any part of the instruction is delivered via the Internet or by other electronic telecommunication media.

- a) A school wishing to offer distance education courses of instruction shall meet the following conditions:

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1) have a physical presence in the State of Illinois, which is defined as:

- A) an instructional site within the State; or
 - B) offering instruction within or originating from Illinois; or
 - C) using local advertising markets in the State; and
- 2) meet the requirements of Section 1 of the Act and Sections 451.20 and 451.30 of this Part.

b) For any new distance education course of instruction, the school offering the course also shall be subject to the requirements enumerated in Sections 451.270 and 451.280 of this Part.

c) Any school proposing to offer via distance education methods an existing course of instruction that has already been approved under Sections 451.270 and 451.280 of this Part also shall meet the requirements of this Section.

d) The school offering distance education courses of instruction shall provide to the Superintendent:

- 1) a description of each distance education course indicating all of the materials, including software, necessary for course completion. If software is to be required, then a copy of each software package shall be submitted to the Superintendent; and
- 2) the definition of what constitutes a distance education lesson, including what evidence will be employed to determine when a lesson has been completed. Such evidence could include completion of written assignments, instructor feedback, evaluations, reports, or on-line time sufficient so that the student can demonstrate progress toward meeting learning outcomes of the distance education course of instruction.

e) Any school offering distance education courses of instruction shall:

- 1) assess each applicant's ability to succeed in the distance education course as prescribed in Section 451.500(e) of this Part;
- 2) ensure that students admitted possess the background, knowledge, technical skills and equipment necessary to use the technology employed in the course of instruction;
- 3) provide a plan that includes a list of the infrastructure and personnel that will be employed to support the distance education courses of instruction;
- 4) ensure that instructional resources, such as additional reading materials and/or hyperlinks to other Internet sites, are reliable, readily available and accessible to instructors and students;
- 5) employ instructors who meet the requirements of Section 451.410 of this Part;
- 6) ensure that instructors are trained to use effectively the distance education method employed;
- 7) provide a sufficient level of interaction between instructors and students so that the students are likely to achieve the learning outcomes of the distance education course of instruction.

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(Source: Added at 24 Ill. Reg. _____, effective _____)

SUBPART C: SCHOOL PERSONNEL

Section 451.420 Sales Representatives

a) Any person whose function is to sell courses of instruction or subjects for any school(s) doing business in Illinois ~~at the school's principal place-of-business-or-elsewhere-in-the-state~~ may do so only after securing a sales representative's permit.

1) A person initiating any direct action (e.g., via personal contact with an individual or group, including dispensing sales literature to a person or group, or contact by telephone) to procure students for the school by requesting, inducing or persuading such prospective students to enroll shall be deemed to be a sales representative.

2) A person paid to provide names of prospective students who has not had direct contact with the prospective student shall not be deemed to be a sales representative.

3) Sales representatives may be employees of the school or independent contractors employed for sales purposes.

b) Sales representative permits shall be issued only after the approval of the school by the Superintendent. A permit holder shall comply with the requirements of the Act and this Part.

c) Sales representative permits shall be nontransferable and shall expire on December 31 of each year.

d) A school with sales representatives shall maintain and have available for review a description of the procedures used to provide supervision of its representatives to assure compliance with the Act and this Part.

e) Prior to the issuance of a sales representative's permit card by the Superintendent and as a part of a representative's original application for a permit card, an official of the school shall certify that the applicant has completed the school's prescribed training and has read and understands this Part.

f) If for any reason the representative's permit card is lost or stolen, the school shall notify the Superintendent by the most expedient means. Upon receipt of a written request the Superintendent shall issue a replacement card without charge.

g) A sales representative shall, whenever representing a school:

- 1) report immediately to the administrator or designee at any recruitment site visited prior to any student interviews or presentation;
- 2) make no statements that which are false, misleading or fraudulent;
- 3) respond upon request with information relevant to the prospective student's enrollment decision, to the extent to which such

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- information is not confidential;
- 4) use only advertising approved by the school;
 - 5) provide a copy of the school's catalog/bulletin ~~catalog/brochure~~
 - to high school administrators or counselors prior to making any presentation at a high school;
 - 6) disclose information on tuition and other instructional costs upon request by prospective students;
 - 7) explain the student's payment obligations as set forth in the enrollment agreement and explain the school's refund policy;
 - 8) make clear the school's academic policies and code of conduct;
 - 9) accurately describe the school's facilities and living accommodations and explain living costs;
 - 10) give a report on job prospects, if requested to do so;
 - 11) make available for review sample copies of the school's home study and distance education lessons prior to the student's signing of the enrollment agreement;
 - 12) explain the school's placement assistance, if any, and provide placement statistics as prescribed in the Act and this Part;
 - 13) explain the admission criteria for the school's course(s) of instruction ~~study~~;
 - 14) provide and explain the items of information required to be contained in the enrollment agreement by the Act and this Part;
 - 15) suggest that the prospective student visit the school to talk with teachers, guidance counselors, employment counselors and students.

h) The sales representative shall not:

- 1) make false, inaccurate or misleading statements concerning any degree, certificate or diploma offered by the school;
- 2) state that credits from the school are transferable unless such claims are supported by documentation (e.g., a letter or some form of communication attesting to the transferability of the credits) in the school's files;
- 3) recommend a prospective student for acceptance unless the representative has reason to believe he/she has a chance to succeed;
- 4) distribute or provide access to home study or distance education lessons to be used in the course of instruction until the prospective student has been officially accepted ~~admitted~~ by the school;
- 5) collect any fee other than the enrollment fee prior to the student's official acceptance ~~admittance~~;
- 6) represent that any commodity or service is free when, in fact, such commodity or service is regularly included as part of a course for which tuition or any other fee is paid;
- 7) solicit prospective students within 100 feet of any Illinois Department of Public Aid Office- (Section 11-2.1 of the Public Aid Code [305 ILCS 5/11-2.1] ~~(11-Rev-Stat-1980-Supp-77-ch-237 par-11-2-11)~~).

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- i) The school shall monitor its representatives' activities and sales and marketing practices and immediately investigate and resolve complaints about their activities. The school shall be accountable for the adherence of its sales representatives to the Act and this Part.
- j) Whenever a sales representative leaves the school's employment, the school shall within five ~~5~~ business days send the sales representative's notice of discharge or termination to the Superintendent.
- 1) When the school is unable to send the representative's permit card with the notice, it may notify the Superintendent that it will return the card within 30 ~~thirty-30~~ business days after from the leaving date.
- 2) If the card has been lost or destroyed, or if the sales representative refuses to return the card, the school shall send a written notice to this effect to the Superintendent.
- k) Illinois schools shall require new sales representatives with permits to sell in Illinois to visit the principal location of the employing school(s) prior to beginning sales activities. Out-of-state schools shall require new sales representatives to visit the principal location of the employing school(s) within 60 ~~sixty-60~~ days after of initial employment.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

SUBPART D: STUDENTS

Section 451.500 Student Admissions Standards

- a) The school shall provide to each prospective student its specific admission requirement for each course of instruction. Such requirements shall include evidence of satisfactory completion of secondary education or the GED 6-B-B examination, and/or other evidence predicting probable success of the student in the course of instruction. Schools not requiring successful completion of high school or the GED shall provide the Superintendent with evidence (e.g., letters or similar communications from employers) that such completion is not normally required for persons seeking placement in the occupations for which it trains students. The school shall maintain verifiable evidence that each student meets the school's admission standards for the course of instruction in which enrolled and that the admission standards provide reasonable indication of the student's potential for successful completion of the course of instruction.
- b) A school shall evaluate each applicant's qualifications prior to his/her acceptance or rejection and shall, for seven ~~7~~ years, maintain records of this action for the superintendent's inspection. The records should include specific, verifiable evidence that each

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- student admitted has sufficient aptitude to meet the school's standards for admission into the course in which the student has enrolled.
- c) When the school admits an applicant who does not meet all of its admissions standards, it shall record the reasons why the student was permitted to enroll and so inform the student.
- d) A school may require applicants who do not meet its requirements for admission to satisfactorily complete remedial instruction prior to full admission status.

e) As evidence of student qualification, the school may use such devices or combination of devices as aptitude and ability test results, transcripts, letters of recommendation, proof of previous successful experience in the field, questionnaires, and structured admissions interviews. It may include records of such abilities or qualities as analytical thinking, problem-solving, personal responsibility, evenness of performance, motivation, maturity, promise in the field, leadership abilities, energy, self-confidence, relation of ability to achievement, written/oral expression, mathematical skills, dexterity and coordination, mechanical aptitude, and originality and imagination.

f) For a distance education course of instruction, an admissions test conducted on-line must include a verification of the student's identity.

g) A school shall not refuse to admit applicants on account of race, color, creed, sex, physical or mental handicap unrelated to ability, religion, or national origin (Section 16(11) of the Private-Business and-Vocational-Schools Act [105 ILCS 425/16(11)]-III-Rev-Stat-1988 Supp-7-ch-144-par-131).

h) Whenever required for licensure or entry into the field for which the applicant is to be trained, the school shall require evidence of a satisfactory physical examination or other specific qualification, such as bonding, prior to admitting the applicant. For example:

1) Applicants for truck driving schools shall meet the Illinois Department of Transportation and Illinois Secretary of State requirements prior to acceptance.

2) Applicants for flight programs shall meet the requirements of the Federal Aviation Administration prior to acceptance.

i) A school shall not enroll an applicant under the age of 16 sixteen if or an applicant enrolled in an elementary or a high school in Illinois unless it has established through verifiable and recorded contact with responsible school officials (school superintendent, school principal or designee) that, based on academic performance, the course will not be detrimental to the student's regular school coursework.

j) If a school enrolls students in courses of instruction preparing graduates for occupations generally requiring satisfactory completion of the twelfth grade or the GED, it shall require the applicant to provide evidence of equivalent life experience or to furnish an

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official high school transcript from a recognized high school, a copy of the GED certificate, or a statement signed by the applicant that which attests to graduation and includes the date of graduation, name, address, and telephone number of the high school last attended.

k) A school, through its catalog/bulletin or similar descriptive literature, shall inform each applicant prior to enrollment about:

- 1) its specific admissions requirements for each course of instruction that which the applicant is considering;
- 2) the general requirements for entrance into the occupations for which the student seeks training;
- 3) its placement service, if a placement service is provided.

Statistics for the most recent 12-month reporting period of July 1 to June 30 12-months--period--or--calendar--year--immediately preceding the date of the school's application for annual renewal of its certificate of approval shall be provided for each course of instruction that which the applicant is considering. These statistics shall address each of the categories enumerated in Section 15.2 of the Act [105 ILCS 425/15.2] include--the--number--of--students--enrolled--the--number--of--students--who--did--not--complete--the--course--of--instruction--for--which--they--enrolled--the--number--of--graduates--the--number--of--graduates--who--requested--placement--service--and--the--number--of--graduates--who--received--bona-fide--job--offers--for--the--job--for--which--they--were--trained. In the absence of placement statistics for a new course of instruction, the enrolling representative shall disclose to the student the placement statistics which represent the aggregate of all courses of instruction (Section 15.2 of the Private-Business--and--Vocational--Schools Act,--III--Rev--Stat--1987--ch--144--par--150-2);

- 4) its policies and procedures, if any, for granting advanced standing to qualified prospective students who have previously completed training and/or work experience in the field of intended study;
- 5) its policies, if any, for shortening the period of study and reducing the cost of instruction for students admitted with advanced standing.

l) A school shall not represent or imply that:

- 1) its graduates will be able to secure positions in a particular field because of completion of one or more of its courses of instruction if such positions are available only to persons with additional training and experience;
- 2) it will accept a limited number of persons from a geographical area;
- 3) it will accept applications for enrollment for only a limited period of time unless this fact can be verified;
- 4) its credits are acceptable for admission or advanced standing at any school, college, or university unless it has previously filed evidence (e.g., a letter or some form of communication attesting

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to the transferability of the credits) to this effect with the Superintendent;

5) applications must be submitted by a certain date to be acceptable for student admission unless this fact can be verified;

6) any commodity or service is free when in fact such commodity or service is regularly included as part of the cost of instruction.

m) An out-of-state truck driving school shall disclose to its applicants prior to enrollment that graduates of such schools should normally have attained the age of 21 twenty-one prior to completion of the course of instruction. Such schools admitting students between the ages of 18 eighteen and 21 twenty-one shall require all applicants to sign a statement of understanding that employment with truck driving companies operating interstate is not possible until the applicant attains the age of 21 twenty-one.

n) Home study/in-residence and distance education/in-residence schools shall restrict admission in-the-home-study phase to the number of students who can begin in-residence study within approximately 60 sixty calendar days after of successful completion of home study or the distance education portion.

o) Home study, and home study/in-residence, and distance education schools shall not distribute or provide access to the first lesson until the applicant has been accepted by the admissions officer at the school's principal place of business.

1) Distribution of or access to the first lesson shall be no later than ten 10 business days following the official date of admission.

2) Home study schools shall not distribute more than approximately 20 twenty percent of the total number of home study lessons in the course of instruction to the student at any one time.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 451.520 Enrollment Agreements

a) Each school shall provide utilize written enrollment agreements to each student that which specify both the school's and the student's legal obligations. The agreements shall contain all written disclosures required in Section 15.1 of the Act [105 ILCS 425/15.1] and be separate from any noncontractual documents utilized in the enrollment of students. Data required in Section 15.1(1) of the Act [105 ILCS 425/15.1(1)] shall be reported as follows:

1) data shall be compiled for the school's most recent 12-month reporting period of July 1 through June 30 last-completed-fiscal year;

2) the graduation or completion rate shall be calculated by dividing the total number of students who completed the course of instruction or graduated in that year by the total number of

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students who were originally scheduled to complete the course of instruction or graduate in that year;

3) the placement rates shall be calculated from the data compiled for the reporting period included year-reported.

b) A school shall provide the applicant with:

1) a copy of the enrollment agreement signed and dated by the sales representative and the applicant at the time the applicant makes initial payment of any fees, deposits, tuition, or other charges; signed, dated receipts for any monies collected from the student;

3) a copy of the enrollment agreement or written notice of acceptance signed and dated by the chief managing employee or the admissions officer at the school's principal place of business at the time of official student acceptance at the school.

c) A school may give the applicant a single copy of the agreement when the date of initial payment and the date of acceptance are the same.

d) When the prospective student is under the age of 18 eighteen, the agreement shall be signed by his/her parent or guardian.

e) A school shall maintain copies of all signed agreements and any truth-in-lending disclosure pages in each student's permanent record.

f) If the school receives payment of fees, deposits, or other charges in a single payment or by the payment of the enrollment fee and one additional payment, it may limit financial disclosures on the agreement to the enrollment fee and the cash price. If the student elects to make more payments than those described above, the agreement shall disclose the:

1) enrollment fee;

2) cash price;

3) cash down payment;

4) the difference between cash price and cash down payment, using the phrase "unpaid balance of cash price";

5) the number, amount, and due dates or periods of payments scheduled for student repayments of indebtedness.

g) A school receiving multiple payments may provide information on financial disclosures required in subsection (f) of this Section on a separate page. The page shall be signed and dated by the sales representative and the student at the same time their signatures are affixed to the agreement.

h) When the school assesses finance charges or offers discounts for early payment and time/price differentials, the agreement and disclosure pages shall:

1) satisfy the requirements of the Retail Installment Sales Act [815 ILCS 405] 1111-Rev--Stat--1987--ch--111-1/27-par--581-et-seq-7;

2) make clear that students are not required to make use of its finance plans.

i) The agreement shall not contain a wage assignment provision and/or a confession of judgment clause.

j) The agreement shall include a "NOTICE TO THE BUYER" that which includes the following statements in a position above the space

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reserved for the student's signature:

- 1) "Do not sign this agreement before you read it or if it contains any blank spaces."
- 2) This is a legal instrument. Both sides of the contract are binding. Read both sides before signing.
- 3) You are entitled to receive one copy of the agreement you sign and any information disclosure pages presented by the school.
- 4) Under the law you have the right, among others, to pay the full amount due and to obtain under certain conditions a partial refund of the finance charge."

k) In addition to the information required by Section 15.1 of the Act, an enrollment agreement shall include:

- 1) language explaining the agreement will be binding only when the agreement is accepted, signed and dated by the authorized official of the school or the admissions officer at the school's principal place of business;

2) a statement in which the student attests to having received the school's current catalog/bulletin, any supplements and errata sheets, and the data required in Section 15.1(11) 15-3-11 of the Act;

3) a space for the sales representative to indicate by signature his/her compliance with the Act and this part;

4) a statement that any changes in the agreement shall not be binding on either the student or the school unless such changes have been approved in writing by the authorized official of the school and by the student or the student's parent or guardian if the student is a minor;

5) the date by which instruction must be completed if the school provides instruction by home study or distance education, and limits the period of time for completion of that instruction;

6) a statement that terms and conditions of the agreement are not subject to amendment or modification by oral agreement;

7) its current printing date.

l) Information required in subsection (k)(5) of this Section need not be printed on the agreement but may be added to the agreement by the sales representative in space provided. The information shall be entered on the agreement prior to the time of applicant's signature.

m) The school may reserve the right in the agreement to make revisions in the course of instruction during the period of the student's enrollment, provided that ~~providing~~ this right is conditioned upon the Superintendent's prior approval of the revision in accordance with the requirements for the approval of curricular changes in this Part.

n) When, pursuant to the Act and this Part, any agreement the school enters into with a student is found by the Superintendent to be a violation of the Act or this Part, the school shall refund all monies to the student within five (5) business days.

o) If the right to cancel is not given to any prospective student at the time the enrollment is signed, the student has the right to cancel the

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agreement at any time and receive a refund of all monies paid to date within 10 days of cancellation (Section 15.1 of the Private-Business and Vocational-Schools Act, Ill. Rev. Stat., 1988-Supp., Ch. 144-par. 150-1).

- p) The school shall meet the reporting requirements of Section 15.1(11)(i) of the Act [105 ILCS 425/15.1(11)(i)] regarding students enrolling in specific courses or courses of instruction and submit such report ~~file a copy of each Illinois student's signed enrollment agreement with~~ to the Superintendent within 90 (90) days following the end of the reporting period of July 1 through June 30 calendar-year.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 451.530 Student Obligations, Cancellation and Refund Policies

a) The following definitions, in addition to those found in Section 1 of the Act, shall apply to the school's policies for the assessment of student fees and for obligations and refunds:

1) "Academic (school) year" is an instructional period extending no longer than 52 fifty-two (52) weeks from the date of its initiation to its conclusion.

2) "Class day" is any day on which instruction is provided by the school and on which the student is scheduled to attend; not included are holidays, scheduled vacation periods, other days on which instruction is not provided, and periods for which a student is granted a leave of absence.

3) "Clock or class hour" is one period of instruction given to one student; the periods may range from 45 forty-five (45) to 60 sixty (60) minutes in duration. "Clock hours or class hours" are not the same as "credit hours." Credit hours are normally identified as "semester hours" or "quarter hours."

4) "Enrollment fee" is a one-time student fee, assessed at the time of the student's initial enrollment at the school.

5) "Distance education lesson" is a term used to describe a single unit or a defined set of instructional activities in a uniform series of units or activities of distance education instruction, as defined by the school pursuant to Section 451.285(d)(2) of this Part.

6) 5) "Home study/in-residence instruction" is a course of instruction that which consists of both home study lessons and in-residence classes at the school's site.

7) 6) "Home study lesson" is the term used by home study schools to describe a single unit in a uniform series of units of correspondence instruction.

8) 7) "Pro rata refund policy" is a policy computed on the number of clock or class hours completed or home study or distance education lessons serviced in the total course completed by the

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to the transferability of the credits) to this effect with the Superintendent;

5) applications must be submitted by a certain date to be acceptable for student admission unless this fact can be verified;

6) any commodity or service is free when in fact such commodity or service is regularly included as part of the cost of instruction.

m)† An out-of-state truck driving school shall disclose to its applicants prior to enrollment that graduates of such schools should normally have attained the age of 21 twenty-one-†2† prior to completion of the course of instruction. Such schools admitting students between the ages of 18 eighteen-††† and 21 twenty-one-†2† shall require all applicants to sign a statement of understanding that employment with truck driving companies operating interstate is not possible until the applicant attains the age of 21 twenty-one-†2†.

n)† Home study/in-residence and distance education/in-residence schools shall restrict admission in-the-home-study--phase to the number of students who can begin in-residence study within approximately 60 sixty-†6† calendar days after of successful completion of home study or the distance education portion.

o)† Home study, and home study/in-residence, and distance education schools shall not distribute or provide access to the first lesson until the applicant has been accepted by the admissions officer at the school's principal place of business.

1) Distribution of or access to the first lesson shall be no later than ten ††† business days following the official date of admission.

2) Home study schools shall not distribute more than approximately 20 twenty-†2† percent of the total number of home study lessons in the course of instruction to the student at any one time.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 451.520 Enrollment Agreements

a) Each school shall provide utilize written enrollment agreements to each student that which specify both the school's and the student's legal obligations. The agreements shall contain all written disclosures required in Section 15.1 of the Act [105 ILCS 425/15.1] and be separate from any noncontractual documents utilized in the enrollment of students. Data required in Section 15.1(11) of the Act [105 ILCS 425/15.1(11)] shall be reported as follows:

1) data shall be compiled for the school's most recent 12-month reporting period of July 1 through June 30 last-completed-fiscal year;

2) the graduation or completion rate shall be calculated by dividing the total number of students who completed the course of instruction or graduated in that year by the total number of

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students who were originally scheduled to complete the course of instruction or graduate in that year;

3) the placement rates shall be calculated from the data compiled for the reporting period included year--reported.

b) A school shall provide the applicant with:

1) a copy of the enrollment agreement signed and dated by the sales representative and the applicant at the time the applicant makes initial payment of any fees, deposits, tuition, or other charges; signed, dated receipts for any monies collected from the student;

2) a copy of the enrollment agreement or written notice of acceptance signed and dated by the chief managing employee or the admissions officer at the school's principal place of business at the time of official student acceptance at the school.

c) A school may give the applicant a single copy of the agreement when the date of initial payment and the date of acceptance are the same.

d) When the prospective student is under the age of 18 eighteen-†††, the agreement shall be signed by his/her parent or guardian.

e) A school shall maintain copies of all signed agreements and any truth-in-lending disclosure pages in each student's permanent record.

f) If the school receives payment of fees, deposits, or other charges in a single payment or by the payment of the enrollment fee and one additional payment, it may limit financial disclosures on the agreement to the enrollment fee and the cash price. If the student elects to make more payments than those described above, the agreement shall disclose the:

1) enrollment fee;

2) cash price;

3) cash down payment;

4) the difference between cash price and cash down payment, using the phrase "unpaid balance of cash price";

5) the number, amount, and due dates or periods of payments scheduled for student repayments of indebtedness.

g) A school receiving multiple payments may provide information on financial disclosures required in subsection (f) of this Section on a separate page. The page shall be signed and dated by the sales representative and the student at the same time their signatures are affixed to the agreement.

h) When the school assesses finance charges or offers discounts for early payment and time/price differentials, the agreement and disclosure pages shall:

1) satisfy the requirements of the Retail Installment Sales Act [815 ILCS 405] ††††-Rev.-Stat.-1987-CH-131-1/27-par-561-et-seq-7;

2) make clear that students are not required to make use of its finance plans.

i) The agreement shall not contain a wage assignment provision and/or a confession of judgment clause.

j) The agreement shall include a "NOTICE TO THE BUYER" that which includes the following statements in a position above the space

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reserved for the student's signature:

- 1) "Do not sign this agreement before you read it or if it contains any blank spaces.
- 2) This is a legal instrument. Both sides of the contract are binding. Read both sides before signing.
- 3) You are entitled to receive one copy of the agreement you sign and any information disclosure pages presented by the school.
- 4) Under the law you have the right, among others, to pay the full amount due and to obtain under certain conditions a partial refund of the finance charge."

k) In addition to the information required by Section 15.1 of the Act, an enrollment agreement shall include:

- 1) language explaining the agreement will be binding only when the agreement is accepted, signed and dated by the authorized official of the school or the admissions officer at the school's principal place of business;
- 2) a statement in which the student attests to having received the school's current catalog/bulletin, any supplements and errata sheets, and the data required in Section 15.1(11) 45:1-11 of the Act;

3) a space for the sales representative to indicate by signature his/her compliance with the Act and this part;

4) a statement that any changes in the agreement shall not be binding on either the student or the school unless such changes have been approved in writing by the authorized official of the school and by the student or the student's parent or guardian if the student is a minor;

5) the date by which instruction must be completed if the school provides instruction by home study or distance education, and limits the period of time for completion of that instruction;

6) a statement that terms and conditions of the agreement are not subject to amendment or modification by oral agreement;

7) its current printing date.

l) Information required in subsection (k)(5) of this Section need not be printed on the agreement but may be added to the agreement by the sales representative in space provided. The information shall be entered on the agreement prior to the time of applicant's signature.

m) The school may reserve the right in the agreement to make revisions in the course of instruction during the period of the student's enrollment, provided that ~~providing~~ this right is conditioned upon the Superintendent's prior approval of the revision in accordance with the requirements for the approval of curricular changes in this Part.

n) When, pursuant to the Act and this Part, any agreement the school enters into with a student is found by the Superintendent to be a violation of the Act or this Part, the school shall refund all monies to the student within five (5) business days.

o) If the right to cancel is not given to any prospective student at the time the enrollment is signed, the student has the right to cancel the

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agreement at any time and receive a refund of all monies paid to date within 10 days of cancellation (Section 15.1 of the Private-Business and Vocational-Schools Act, 111 Rev. Stat., 1988 Supp., ch. 144, par. 150-1).

p) The school shall meet the reporting requirements of Section 15.1(11)(i) of the Act [105 ILCS 425/15.1(11)(i)] regarding students enrolling in specific courses or courses of instruction and submit such report ~~five-a-copy-of-each-illinois-student's--signed--enrollment agreement--with~~ to the Superintendent within 90 (30) days following the end of the reporting period of July 1 through June 30 calendar-year.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 451.530 Student Obligations, Cancellation and Refund Policies

a) The following definitions, in addition to those found in Section 1 of the Act, shall apply to the school's policies for the assessment of student fees and for obligations and refunds:

1) "Academic (school) year" is an instructional period extending no longer than 52 ~~fifty-two--(52)~~ weeks from the date of its initiation to its conclusion.

2) "Class day" is any day on which instruction is provided by the school and on which the student is scheduled to attend; not included are holidays, scheduled vacation periods, other days on which instruction is not provided, and periods for which a student is granted a leave of absence.

3) "Clock or class hour" is one period of instruction given to one student; the periods may range from 45 ~~forty-five--(45)~~ to 60 ~~sixty--(60)~~ minutes in duration. "Clock hours or class hours" are not the same as "credit hours." Credit hours are normally identified as "semester hours" or "quarter hours."

4) "Enrollment fee" is a one-time student fee, assessed at the time of the student's initial enrollment at the school.

5) "Distance education lesson" is a term used to describe a single unit or a defined set of instructional activities in a uniform series of units or activities of distance education instruction, as defined by the school pursuant to Section 451.285(d)(2) of this Part.

6) 5) "Home study/in-residence instruction" is a course of instruction that ~~which~~ consists of both home study lessons and in-residence classes at the school's site.

7) 6) "Home study lesson" is the term used by home study schools to describe a single unit in a uniform series of units of correspondence instruction.

8) 7) "Pro rata refund policy" is a policy computed on the number of clock or class hours completed or home study or distance education lessons serviced in the total course completed by the

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student.
 9) "Terms" are regularly established equal divisions of the academic (school) year from ten (10) to 19 ~~nineteen~~ weeks normally called quarters, trimesters, or semesters.

10) "Total cost of the course of instruction" is, for purpose of refund calculations, the sum found on the enrollment agreement of all required charges made for direct instruction and obligatory items of extra expense to the student, such as instructional supplies, tools, student activities fees, laboratory and studio fees, service charges, rentals and other miscellaneous charges; it does not include the enrollment fee, charges for room and board, or any required accident or health insurance premiums paid by the student directly to an insurance carrier.

11) "Total cost of the term" is, for purpose of refund calculations, the sum of the same required and obligatory charges itemized in the definition of "total cost of the course of instruction" but that ~~which~~ are assessed for a specific term only; not included are the enrollment fee and charges for room and board in the term.

b) A school and its sales representatives enrolling prospective students shall collect no more than the amount of the application-registration fee that ~~which~~ may not exceed \$150 or 50 percent of the cost of tuition, whichever is less, \$100 until the student has been formally ~~accepted~~ ~~admitted~~ following the admissions screening process and the school's approval and signing of the enrollment agreement at the school's principal location.

c) A school shall publish and adhere to refund policies as required by Section 15.1a of the Act [105 ILCS 425/15.1a].

1) The school shall not receive, demand, or retain any amount in excess of proportions and dollar amounts disclosed in the enrollment agreement and catalog/bulletin for the term in which the student is enrolled.

2) The student's total financial obligation for instruction shall not be more than the total contract price for the academic (school) year in which the student is enrolled.

3) The school shall return that portion of any refunds due to sponsors furnishing grants, loans, scholarships or other financial aids in conformity with federal and state laws, and regulations and requirements of financial aid sponsors. After any disbursement to financial aid sponsors, the student shall receive the balance, if any, of the amount due under the school's refund policy.

4) The school shall refund all monies paid to it if the school fails to conduct classes on days or times scheduled, detrimentally affecting the student (Section 15.1a(1)(c) of the Act [105 ILCS 425/15.1a(1)(c)]).

5) A school that offers distance education lessons and is unable to

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provide them because of a failure on the part of the school shall be responsible for refunding all monies paid to it.
 d) Student refunds shall be processed promptly and in accordance with the following requirements as may be applicable.

1) If a letter of withdrawal is submitted, it shall be delivered to the school management addressed to the registered agent, if any, by the managing employee of the school, or to the person designated by the school in its enrollment agreement. The date of withdrawal initiated by a student shall be the date the letter of withdrawal is postmarked or, when the notice is hand-carried, it shall occur on the date the notice is delivered. The school shall provide a receipt for each letter of withdrawal received.

2) An in-residence school shall inform the student as to his/her contractual obligation if the student fails to attend class or utilize instructional facilities for a period of ten (10) consecutive class days without providing, prior to or during that period, an explanation regarding the absences.

3) A home study or distance education school shall inform the student as to his/her contractual home study or distance education obligation if at any point during the course of instruction it has not received lessons for 60 sixty (60) consecutive calendar days; the date of withdrawal shall be the date of the last lesson received.

4) A school may give an in-residence, or home study, or distance education student who has withdrawn the opportunity to apply for reinstatement in writing and keep his/her enrollment active without prejudice to the student's refund rights.

5) A school shall notify any agency known to the school to be providing financial aid to the student of any withdrawal within 30 thirty (30) days after from the date of withdrawal.

6) A school shall maintain accurate current records that which make possible prompt return of funds in the correct amount.

7) In the event a student gives notice of withdrawal, the school is obligated to refund the cost of only those books and materials purchased for the current or future terms if the books and materials have been returned to the school unmarked.

A) A school charging for books and materials, including software, shall maintain in the student's file a receipt with the book title or name of item, amount charged and date purchased.

B) A school charging for books and materials, including software, shall maintain for three years a list of these items used for each subject area and the exact charge for each. The record shall be updated as changes occur.

e) In the event a student withdrawing from a course of instruction is less than 18 eighteen (18) years of age on date of withdrawal, notice of cancellation shall be made by the purchaser of the enrollment agreement.

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- f) A school shall refund all monies paid to it if the school did not screen the student, including physical examinations required for occupational licensure, to determine that the student meets its admission standards prior to the date of the student's acceptance admission.
- g) For home study or distance education instruction, all references to class attendance or days in class in Section 15.1a of the Act shall refer to lessons completed by the student and serviced by the school.
- h) Refunds for the home study/in-residence portions of a combination home study/in-residence school, or for a distance education course of instruction if a portion is provided in-residence, must be computed and stated separately.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 451.555 Student Progress

- a) A school shall have and enforce written policies for defining acceptable student progress and academic good standing and shall maintain progress evaluation records that which record the student's movement toward completing studies within the time allotted for completion of the curriculum.
- b) Students enrolled in home study instruction or distance education shall be informed of their academic progress with the servicing of each examination. If at any point in the curriculum the student's average grades on examinations are less than those required for passing the total course, the student shall immediately be so informed in writing.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 451.580 Student Rights

- a) A school shall establish a procedure for the fair and prompt resolution of student grievances concerning instructional and business affairs. The procedures shall specify the reasons for which a conference or hearing may be requested and require the recording of any findings.
- b) A student's records, including attendance records, shall be available for inspection on request by the student.
- c) A school shall terminate a student's enrollment when it has been documented that he/she is unable to remain in good academic standing and to acquire the knowledge and skills necessary for entering the occupation for which he/she is being trained.
- d) Schools shall post in a conspicuous place the statement, developed by the Superintendent, of students' rights provided under the Act. A

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school that offers distance education courses of instruction also shall post the statement in a conspicuous place on its web site.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED RULES

1) Heading of the Part: Open Land Trust Grant Program

2) Code Citation: 17 Ill. Adm. Code 3050

| <u>Section Numbers:</u> | <u>Proposed Action:</u> |
|-------------------------|-------------------------|
| 3050.10 | New Section |
| 3050.20 | New Section |
| 3050.30 | New Section |
| 3050.40 | New Section |
| 3050.50 | New Section |
| 3050.60 | New Section |
| 3050.70 | New Section |
| 3050.80 | New Section |
| 3050.90 | New Section |

4) Statutory Authority: Implementing and authorized by the Open Land Trust Act [525 ILCS 33].

5) A Complete Description of the Subjects and Issues Involved: The Open Land Trust Act (OLT) provides for grants to be disbursed by the Department of Natural Resources (Department) to eligible local governments for the purpose of acquiring lands for the protection of lakes, rivers, streams, open space, parks, natural lands, wetlands, prairies, forests, watersheds, resource-rich areas, greenways, significant fish and wildlife resources, and endangered or threatened species habitat, and for public outdoor natural resource related recreation purposes.

6) Will this rulemaking replace any emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed rules contain incorporations by reference? No

9) Are there any proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking affects units of local government in that local governments are the only entities eligible for grants.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice to:

Stanley Yonkauskki, Jr.
Department of Natural Resources
524 S. Second Street
Springfield IL 62701-1787

DEPARTMENT OF NATURAL RESOURCES

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217/782-1809

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: No small businesses or not-for-profit corporations will be directly affected. Small municipalities are eligible for grant assistance along with other units of local government.

B) Reporting, bookkeeping or other procedures required for compliance: The proposed rule describes the simple application and record keeping requirements. These requirements do not have applicant's creating new systems and do not require creation of significant new documents. Applicants are required to retain all records related to grants for five years.

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rule making was summarized: July 1999

The full text of the Proposed Rules begins on the next page:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED RULES

TITLE 17: CONSERVATION
CHAPTER 1: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER 9: GRANTS

PART 3050
OPEN LAND TRUST GRANT PROGRAM

| | |
|---------|--|
| Section | |
| 3050.10 | Program Objectives |
| 3050.20 | Definitions |
| 3050.30 | Eligibility Requirements |
| 3050.40 | Assistance Formula for Grants |
| 3050.50 | General Procedures for Grant Applications and Awards |
| 3050.60 | Eligible Project Costs |
| 3050.70 | Project Evaluation Priorities |
| 3050.80 | Program Compliance Requirements |
| 3050.90 | Program Information/Contact |

AUTHORITY: Implementing and authorized by the Open Land Trust Act [525 ILCS 33]

SOURCE: Adopted at 24 Ill. Reg. _____, effective _____

Section 3050.10 Program Objectives

The Open Land Trust Act (OLT) provides for grants to be disbursed by the Department of Natural Resources (Department) to eligible local governments for the purpose of acquiring lands for the protection of lakes, rivers, streams, open space, parks, natural lands, wetlands, prairies, forests, watersheds, resource-rich areas, greenways, significant fish and wildlife resources, and endangered or threatened species habitat, and for public outdoor natural resource related recreation purposes.

Section 3050.20 Definitions

- a) Natural Resource Related Recreation: includes, but is not limited to, backpacking, birdwatching, boating, canoeing, cross country skiing, fishing, hunting, kayaking, nature photography, non-motorized trail use (bicycling, equestrian, hiking and rollerblading), open play activities, orienteering, picnicking, primitive camping, trapping, wildlife viewing or other similar outdoor natural resource related activities that do not permanently change the character of the property.
- b) Disadvantaged Population: is an eligible unit of local government located within a Standard Metropolitan Statistical Area (SMSA) with a per capita equalized assessed valuation (EAV) less than 55% of the

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State average and more than 15% of the population below the national poverty level or an eligible unit of local government located outside an SMSA with an EAV less than 50% of the State average and more than 20% of its population below the poverty level.

Section 3050.30 Eligibility Requirements

Agencies eligible for assistance under the OLT grant program are any unit of local government with statutory authority to acquire, develop and maintain lands for public outdoor natural resource related recreation purposes. This includes, but is not limited to, counties, townships, municipalities, park districts, conservation districts, forest preserve districts and river conservancy districts.

Section 3050.40 Assistance Formula for Grants

The OLT program shall operate on a reimbursement basis providing up to a maximum of 50% funding assistance on total approved project costs. Disadvantaged populations are eligible for up to a maximum of 90% funding assistance on total approved project costs. No more than \$2,000,000 may be awarded to any grantee for a single project for any fiscal year.

Section 3050.50 General Procedures for Grant Applications and Awards

- a) Grant applications for assistance under this program must be submitted in accordance with a schedule publicly announced annually by the Department. Failure to submit a completed application to the Department by the specified application deadline date will result in project rejection for that particular year.
- b) Necessary application material and instructions are available through the Department. Awarding of grants will be on a competitive basis (see Section 3050.70) and will be made under authority of the Director of the Department of Natural Resources.
- c) Project grant applications will consist of the following components:
 - 1) applicant's name, address and telephone number;
 - 2) information on the supply of existing public park and open space acreage located within the project sponsor's (applicant) jurisdiction;
 - 3) an itemized proposed project cost estimate;
 - 4) project narrative statement describing the project concept, location, need for and objectives of the project, anticipated benefits, proposed usages and method of financing or accomplishing the project;
 - 5) project location map, site plat map and proposed site development and/or restoration plans;
 - 6) project environmental evaluation;
 - 7) a document signed by the applicant verifying the applicant has the resources to initially finance and subsequently manage the

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project area and will comply with program regulations; and

8) a commitment for title insurance in the name of the project sponsor for the property planned for acquisition or other Department approved means of title search.

d) A program information packet may be obtained from the Division of Grant Administration, Illinois Department of Natural Resources, 524 S. Second Street, Springfield IL 62701-1787, telephone 217/782-7481.

Section 3050.60 Eligible Project Costs

a) Grant assistance may be obtained for land acquisition costs for the conservation of open space, natural resources and public natural resource related recreation purposes, including associated eligible appraisal and relocation costs. Eligible projects include, but are not limited to, acquisition of land for the following:

1) Natural resource conservation and open space purposes to protect lakes, rivers, streams, open space, natural lands, wetlands, prairies, forests, watersheds, resource-rich areas, greenways, significant fish and wildlife resources, and endangered or threatened species habitats, existing forest preserves, conservation areas, nature preserves, and land and water reserves, and/or unique geologic or biologic features; and

2) additions to such existing public areas.

b) Project costs for which reimbursement is sought cannot be incurred by the project applicant prior to grant approval notification or Department authorization. Costs incurred prior to Department approval are ineligible for grant assistance. For acquisition projects, costs are considered incurred when property deed, lease or other conveyance is accepted by the local sponsor or first payment is made on the project property or to an escrow account for the property. In addition, no purchase agreement, option, etc., or price negotiations shall be entered into without Department approval.

c) No grant awards shall be awarded for the acquisition of land that will not be available for general public outdoor natural resource related recreation purposes unless otherwise approved by the Department.

d) No grant awards shall involve the use of eminent domain. Land interests must be purchased from willing sellers only.

Section 3050.70 Project Evaluation Priorities

a) The following factors shall be used by the Department in evaluating and recommending local project applications for funding assistance consideration:

1) Statewide Natural Resource and Natural Resource Related Outdoor Recreation Priorities - 60%

A) Department Statewide Priorities - 67%

Projects are evaluated in terms of their ability to address major outdoor natural resource related recreation and

DEPARTMENT OF NATURAL RESOURCES

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conservation purposes and issues identified by the Department in statewide or regional plans. These include, but are not limited to, the protection and stewardship of lakes, rivers, streams, open space, parks, natural lands, wetlands, prairies, forests, watersheds, resource-rich areas, greenways, significant fish and wildlife resources, and endangered or threatened species habitats; and the extent to which the project contributes to the ecological viability of a park, conservation area, forest preserve, nature preserve, land and water reserve, greenway and long distance trail corridors. These priorities are listed in the Department's OLT Local Participation Grant Manual, available from the Illinois Department of Natural Resources Division of Grant Administration, 524 South Second Street, Springfield IL 62701-1787.

B) Statewide Local Needs Assessment - 33%

Determination of local need is based on a comparison of existing supply and distribution of open space and park land acreage, measured in acres/capita, to the statewide median and/or to locally adopted standards. Natural resource related recreation needs based on project service area are also given consideration.

2) Project Concept and Site Characteristics - 25%

The project proposal is evaluated in terms of the site's ecological resources and aesthetic qualities, including accessibility; soil, topographic and hydrologic characteristics; site vegetation; wildlife benefits; compatibility with adjacent land uses; environmental intrusion on the site; demonstrated commitment to natural resource restoration and management of the site, sites threatened with development, impacts to cultural and natural resources; and the natural resources related recreation provided by the project.

3) Local Planning - 10%

The major consideration under this criteria is public support and input into the project plan and existence of a comprehensive local open space plan identifying the proposed project as a priority. Consideration is also given for natural resource related recreation opportunities not specifically identified in a local plan but having documented widespread public support.

4) Other Considerations - 5%

Relevant factors considered in evaluating the overall merits of a project and need for funding include projects located in inner-urban areas; involving private donations and match that leverages local funds; or from applicants not previously benefiting from OLT assistance.

5) Penalty Factors - (deduct up to 15%)

Consideration is given to the applicant's past performance in completing OLT or other Department grant projects, restoration or

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development plans or unresolved project violations; ability to properly maintain the project site; and failure to participate with the Department in completing the "Illinois Recreation Facilities Inventory" (IRFI).

- b) Project Application Review and Grant Award
Department grant staff, in consultation with executive and appropriate resource staff, reviews all applications in accordance with the established evaluation criteria. Preliminary recommendations are then submitted to the Department's Natural Resource Advisory Board for consideration at a public hearing conducted by the Board, after which final recommendations are forwarded to the Director for OLT grant approval.

Section 3050.80 Program Compliance Requirements

- a) Any property acquired through assistance from the Illinois OLT grant program must be open to the public for outdoor natural resource related recreation purposes unless the Department determines that public accessibility would be detrimental to the real property or any associated natural resources. Land acquired with funding assistance from the OLT program shall be operated, managed and maintained for the purposes identified in the grant application in perpetuity unless otherwise approved by the Department. No real property acquired with grant funds may be sold, leased, exchanged, or otherwise encumbered, unless it is used to qualify for a federal program, or, subject to Department approval, is transferred to the federal government, the State, or a unit of local government for a compelling public purpose. Approval for property conversion may be granted by the Department if the project sponsor substitutes replacement property of equal fair market value, natural resource value and comparable outdoor recreation usefulness, quality and location.
- b) An appraisal must be provided by the sponsoring agency and submitted to the Department for review and certification to establish the property's fair market value. The appraisal must be completed to Department specifications.
- c) The local project sponsor is required to enter into an agreement with the Department for an amount agreed upon as necessary to complete the approved project, specifying the related grant reimbursement amount and program compliance regulations.
- d) Upon project completion, the project sponsor must submit a certified project billing request (expenditure statement) listing/verifying all funds expended on the project for which grant reimbursement is sought, as well as required billing documentation, as follows:
 - 1) proof of good faith negotiations or fair market value offer to land seller;
 - 2) copy of property deed and title insurance policy showing ownership transferred to the local project sponsor; and
 - 3) copies of canceled checks showing proof of payment to seller.

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- e) Financial records on approved projects must be maintained and retained by the project sponsor for possible State audit for a period of five years after final reimbursement payment is made by the Department.
- f) The sponsoring agency must permanently post an OLT grant acknowledgment sign at the project site. The necessary sign will be provided by the Department or specifications for its construction will be furnished to the local project sponsor, if requested.
- g) Projects assisted with OLT grant funds shall be implemented in accordance with all applicable federal, State and local laws, ordinances and regulations relating to public agency expenditure of funds for public works projects.
- h) A final acceptance of the completed project must be made by a representative or agent of the Department prior to final payment of grant reimbursement to the project sponsor. Acceptance by the Department will be subject to completion of all action required of the local sponsor as indicated in this Part.
- i) The sponsoring agency shall convey to the Department at no charge a conservation easement on the lands acquired with OLT assistance.
- j) The sponsoring agency must comply with and abide by the following operation and maintenance provisions:
 - 1) All lands assisted with OLT funds shall be continuously operated and maintained by the sponsoring agency in a safe and attractive manner at no cost to the Department and be operated and utilized in such a manner as to maximize the intended benefits to and for the public.
 - 2) The Department shall have access to OLT-assisted lands at all times for inspection purposes to ensure the project sponsor's continued compliance with this Part.
 - 3) The sponsoring agency may enter into a contract or agreement with responsible concessionaires to operate and/or construct facilities desired by the public and the sponsoring agency that are important for enjoyable and convenient natural resource based recreation. Any and all concession revenue in excess of the costs of operation and maintenance of the OLT lands and/or facilities shall be used for the improvement of those lands or facilities or similar nearby public facilities. All licenses entered into by the sponsoring agency with third persons relating to accommodations or concessions to be provided for or at the OLT facility for benefit of the public shall be submitted to the Department for its approval prior to the license being entered into or granted by the sponsoring agency.
 - 4) The project sponsor shall receive approval from the Department prior to initiating any development on OLT assisted lands. Approval will be limited to those facilities that are necessary for enjoyable and convenient natural resource related recreation.
- k) Conflict of Interests
 - 1) No official or employee of the local political subdivision who is authorized in his official capacity to negotiate, make, accept,

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- project area and will comply with program regulations; and
- 8) a commitment for title insurance in the name of the project sponsor for the property planned for acquisition or other Department approved means of title search.

- d) A program information packet may be obtained from the Division of Grant Administration, Illinois Department of Natural Resources, 524 S. Second Street, Springfield IL 62701-1787, telephone 217/782-7481.

Section 3050.60 Eligible Project Costs

- a) Grant assistance may be obtained for land acquisition costs for the conservation of open space, natural resources and public natural resource related recreation purposes, including associated eligible appraisal and relocation costs. Eligible projects include, but are not limited to, acquisition of land for the following:

- 1) Natural resource conservation and open space purposes to protect lakes, rivers, streams, open space, natural lands, wetlands, prairies, forests, watersheds, resource-rich areas, greenways, significant fish and wildlife resources, and endangered or threatened species habitats, existing forest preserves, conservation areas, nature preserves, and land and water reserves, and/or unique geologic or biologic features; and
- 2) additions to such existing public areas.

- b) Project costs for which reimbursement is sought cannot be incurred by the project applicant prior to grant approval notification or Department authorization. Costs incurred prior to Department approval are ineligible for grant assistance. For acquisition projects, costs are considered incurred when property deed, lease or other conveyance is accepted by the local sponsor or first payment is made on the project property or to an escrow account for the property. In addition, no purchase agreement, option, etc., or price negotiations shall be entered into without Department approval.

- c) No grant awards shall be awarded for the acquisition of land that will not be available for general public outdoor natural resource related recreation purposes unless otherwise approved by the Department.

- d) No grant awards shall involve the use of eminent domain. Land interests must be purchased from willing sellers only.

Section 3050.70 Project Evaluation Priorities

- a) The following factors shall be used by the Department in evaluating and recommending local project applications for funding assistance consideration:

- 1) Statewide Natural Resource and Natural Resource Related Outdoor Recreation Priorities - 60%
 - A) Department Statewide Priorities - 67%

Projects are evaluated in terms of their ability to address major outdoor natural resource related recreation and

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conservation purposes and issues identified by the Department in statewide or regional plans. These include, but are not limited to, the protection and stewardship of lakes, rivers, streams, open space, parks, natural lands, wetlands, prairies, forests, watersheds, resource-rich areas, greenways, significant fish and wildlife resources, and endangered or threatened species habitats; and the extent to which the project contributes to the ecological viability of a park, conservation area, forest preserve, nature preserve, land and water reserve, greenway and long distance trail corridors. These priorities are listed in the Department's OLT Local Participation Grant Manual, available from the Illinois Department of Natural Resources Division of Grant Administration, 524 South Second Street, Springfield IL 62701-1787.

- B) Statewide Local Needs Assessment - 33%

Determination of local need is based on a comparison of existing supply and distribution of open space and park land acreage, measured in acres/capita, to the statewide median and/or to locally adopted standards. Natural resource related recreation needs based on project service area are also given consideration.

- 2) Project Concept and Site Characteristics - 25%

The project proposal is evaluated in terms of the site's ecological resources and aesthetic qualities, including accessibility; soil, topographic and hydrologic characteristics; site vegetation; wildlife benefits; compatibility with adjacent land uses; environmental intrusion on the site; demonstrated commitment to natural resource restoration and management of the site, sites threatened with development, impacts to cultural and natural resources; and the natural resources related recreation provided by the project.

- 3) Local Planning - 10%

The major consideration under this criteria is public support and input into the project plan and existence of a comprehensive local open space plan identifying the proposed project as a priority. Consideration is also given for natural resource related recreation opportunities not specifically identified in a local plan but having documented widespread public support.

- 4) Other Considerations - 5%

Relevant factors considered in evaluating the overall merits of a project and need for funding include projects located in inner-urban areas; involving private donations and match that leverages local funds; or from applicants not previously benefiting from OLT assistance.

- 5) Penalty Factors - (deduct up to 15%)

Consideration is given to the applicant's past performance in completing OLT or other Department grant projects, restoration or

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development plans or unresolved project violations; ability to properly maintain the project site; and failure to participate with the Department in completing the "Illinois Recreation Facilities Inventory" (IRFI).

- b) Project Application Review and Grant Award
Department grant staff, in consultation with executive and appropriate resource staff, reviews all applications in accordance with the established evaluation criteria. Preliminary recommendations are then submitted to the Department's Natural Resource Advisory Board for consideration at a public hearing conducted by the Board, after which final recommendations are forwarded to the Director for OLT grant approval.

Section 3050.80 Program Compliance Requirements

- a) Any property acquired through assistance from the Illinois OLT grant program must be open to the public for outdoor natural resource related recreation purposes unless the Department determines that public accessibility would be detrimental to the real property or any associated natural resources. Land acquired with funding assistance from the OLT program shall be operated, managed and maintained for the purposes identified in the grant application in perpetuity unless otherwise approved by the Department. No real property acquired with grant funds may be sold, leased, exchanged, or otherwise encumbered, unless it is used to qualify for a federal program, or, subject to Department approval, is transferred to the federal government, the State, or a unit of local government for a compelling public purpose. Approval for property conversion may be granted by the Department if the project sponsor substitutes replacement property of equal fair market value, natural resource value and comparable outdoor recreation usefulness, quality and location.
- b) An appraisal must be provided by the sponsoring agency and submitted to the Department for review and certification to establish the property's fair market value. The appraisal must be completed to Department specifications.
- c) The local project sponsor is required to enter into an agreement with the Department for an amount agreed upon as necessary to complete the approved project, specifying the related grant reimbursement amount and program compliance regulations.
- d) Upon project completion, the project sponsor must submit a certified project billing request (expenditure statement) listing/verifying all funds expended on the project for which grant reimbursement is sought, as well as required billing documentation, as follows:
 - 1) proof of good faith negotiations or fair market value offer to land seller;
 - 2) copy of property deed and title insurance policy showing ownership transferred to the local project sponsor; and
 - 3) copies of canceled checks showing proof of payment to seller.

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- e) Financial records on approved projects must be maintained and retained by the project sponsor for possible State audit for a period of five years after final reimbursement payment is made by the Department.
- f) The sponsoring agency must permanently post an OLT grant acknowledgment sign at the project site. The necessary sign will be provided by the Department or specifications for its construction will be furnished to the local project sponsor, if requested.
- g) Projects assisted with OLT grant funds shall be implemented in accordance with all applicable federal, State and local laws, ordinances and regulations relating to public agency expenditure of funds for public works projects.
- h) A final acceptance of the completed project must be made by a representative or agent of the Department prior to final payment of grant reimbursement to the project sponsor. Acceptance by the Department will be subject to completion of all action required of the local sponsor as indicated in this Part.
- i) The sponsoring agency shall convey to the Department at no charge a conservation easement on the lands acquired with OLT assistance.
- j) The sponsoring agency must comply with and abide by the following operation and maintenance provisions:
 - 1) All lands assisted with OLT funds shall be continuously operated and maintained by the sponsoring agency in a safe and attractive manner at no cost to the Department and be operated and utilized in such a manner as to maximize the intended benefits to and for the public.
 - 2) The Department shall have access to OLT-assisted lands at all times for inspection purposes to ensure the project sponsor's continued compliance with this Part.
 - 3) The sponsoring agency may enter into a contract or agreement with responsible concessionaires to operate and/or construct facilities desired by the public and the sponsoring agency that are important for enjoyable and convenient natural resource based recreation. Any and all concession revenue in excess of the costs of operation and maintenance of the OLT lands and/or facilities shall be used for the improvement of those lands or facilities or similar nearby public facilities. All licenses entered into by the sponsoring agency with third persons relating to accommodations or concessions to be provided for or at the OLT facility for benefit of the public shall be submitted to the Department for its approval prior to the license being entered into or granted by the sponsoring agency.
 - 4) The project sponsor shall receive approval from the Department prior to initiating any development on OLT assisted lands. Approval will be limited to those facilities that are necessary for enjoyable and convenient natural resource related recreation.
- k) Conflict of Interests
 - 1) No official or employee of the local political subdivision who is authorized in his official capacity to negotiate, make, accept,

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or approve or to take part in decisions regarding a contract or subcontract in connection with an approved OLT grant project shall have any financial or other personal interest in any such contract or subcontract.

- 2) No person performing services for the local political subdivision in connection with an approved OLT grant project shall have a financial or other personal interest, other than his employment or retention by that local political subdivision, in any contract or subcontract in connection with an approved OLT grant project. No officer or employee of such person retained by the local political subdivision shall have any financial or other personal interest in any real property acquired under an approved OLT grant project unless that interest is openly disclosed upon the public records of the local political subdivision and that officer, employee or person has not participated in the acquisition for, or on behalf of, the local political subdivision.

- 1) The project sponsor shall certify that it provides a drug free workplace and related employee assistance as defined and required by the Drug Free Workplace Act [30 ILCS 105/16].

m) Pursuant to 775 ILCS 5/2-105(A)(4), the project sponsor shall certify that it has a written sexual harassment policy that includes, at a minimum, the following information:

- 1) the illegality of sexual harassment;
- 2) the definition of sexual harassment under State law;
- 3) a description of sexual harassment utilizing examples;
- 4) the contractor's internal complaint process, including penalties;
- 5) the legal recourse, investigation and complaint process available through the Illinois Department of Human Rights and the Human Rights Commission and directions on how to contact both; and
- 6) protection against retaliation as provided by Section 6-101 of the Illinois Human Rights Act [775 ILCS 5/6-101]. A copy of the policy shall be provided to the Department of Human Rights upon request.

n) Program Violations and Project Termination

- 1) The State will unilaterally rescind project agreements at any time prior to the commencement of the project in the event that State funds are not appropriated for the grant program. After project commencement, agreements may be rescinded, modified or amended only by mutual agreement with the local political subdivision. A project shall be deemed to be commenced when the local political subdivision makes any expenditure or incurs any obligation with respect to the project.

- 2) Failure by the local sponsoring agency to comply with any of the program terms listed in this Section shall be cause for the suspension of all grant assistance obligations, unless, in the judgement of the Department, the failure was due to no fault of

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the local sponsoring agency (e.g., statutory changes, acts of God).

Section 3050.90 Program Information/Contact

For information on the OLT Grant Program, contact:

Illinois Department of Natural Resources
Division of Grant Administration
524 South Second Street
Springfield IL 62701-1787
Telephone: 217/782-7481
FAX: 217/782-9599

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED RULEMAKING

1) Heading of the Part: Voluntary Telefile Program

2) Code Citation: 86 Ill. Adm. Code 770

| | |
|----------------------------|-------------------------|
| 3) <u>Section Numbers:</u> | <u>Proposed Action:</u> |
| 770.100 | New Section |
| 770.110 | New Section |
| 770.120 | New Section |
| 770.130 | New Section |
| 770.140 | New Section |
| 770.150 | New Section |

4) Statutory Authority: 20 ILCS 2505/39c-1a

5) A Complete Description of the Subjects and Issues Involved: This rulemaking creates a system whereby taxpayers may voluntarily file certain returns and other documents through the use of a touch-tone telephone (telefile). Form ST-1 Sales and Use Tax Return is currently the only return listed among the types of returns or other documents that can be voluntarily filed under this program. These rules have been designed to allow the Department to add other types of returns or other documents to this program in the future.

6) Will this proposed rule replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed rulemaking contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not create a State mandate, nor does it modify any existing State mandates.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: persons who wish to submit comments on this proposed rulemaking may submit them in writing by no later than 45 days after publication of this notice to:

Terry D. Charlton
Associate Counsel
Illinois Department of Revenue
Legal Services Office
101 West Jefferson
Springfield, Illinois 62794
Phone: (217) 782-6996

12) Initial Regulatory Flexibility Analysis:

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A) Types of small businesses, small municipalities and not for profit corporations affected: Small businesses, small municipalities and not-for-profit corporations that file a Form ST-1 Sales and Use Tax Return may be affected by these rules.

B) Reporting, bookkeeping or other procedures required for compliance: No special procedures for compliance are required other than entering information by using the number keys on a touch-tone telephone.

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: July 1999

The full text of the Proposed Rulemaking begins on the next page:

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED RULEMAKING

TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUEPART 770
VOLUNTARY TELEFILE PROGRAM

Section

770.100 TeleFile Program

770.110 Exclusions from Telefile

770.120 How to Participate

770.130 Personal Identification Number (PIN)

770.140 Confirmation Numbers

770.150 Due Dates and Date Received

AUTHORITY: Implementing and authorized by Section 39c-1a of the Civil Administrative Code of Illinois [20 ILCS 2505/39c-1a].

SOURCE: Adopted at 24 Ill. Reg. _____, effective _____.

Section 770.100 TeleFile Program

a) The Department has created a voluntary TeleFile program for certain tax returns and other documents. The Department will notify potential participants that they may voluntarily participate in the TeleFile program and TeleFile any of the returns or other documents listed in subsection (c) of this Section.

b) "TeleFile" consists of a taxpayer using a touch-tone telephone to call a telephone number provided by the Department and reporting return or other document information through the use of the number keys on the touch-tone telephone in response to an automated voice prompt system.

c) The following returns or other documents may be filed through the use of this TeleFile program: Form ST-1 Sales and Use Tax Return.

d) The Department reserves the right to limit the number of participants in this TeleFile program.

Section 770.110 Exclusions from TeleFile

The following types of returns or other documents are excluded from this TeleFile program:

a) Returns or other documents that are not listed in subsection (c) of Section 770.100 of this Part.

b) Returns or other documents listed in subsection (c) of Section 770.100 of this Part that require additional forms, schedules, other documents, or that require the reporting of information that the Department is unable to currently accept through the Telefile program.

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NOTICE OF PROPOSED RULEMAKING

Section 770.120 How to Participate

a) After receiving the necessary information packet from the Department, participants must call the telephone number provided to potential participants.

b) Participants must enter their Illinois Business Tax number (IBT number) and a Personal Identification Number (PIN) issued by the Department that will allow them access to the Telefile system.

c) Participants will enter their information in accordance with the Telefile instruction sheet provided by the Department through the use of the number keys on a touch-tone telephone in response to an automated voice prompt system.

d) At the end of a successfully completed Telefile filing, the automated voice prompt system will confirm the return or other document has been filed with the Department by issuing a confirmation number as provided in Section 770.140 of this Part.

e) Any balance due on a return filed through the use of TeleFile must be paid by the due date in the same manner as if the return was filed in a paper format. For example, a check for the proper amount due may be mailed to the Department or payment may be made through the use of electronic funds transfer (see 86 Ill. Adm. Code 750).

f) Participants using the Telefile system cannot recall or intercept a return or other document that has been filed using the Telefile system after that return or other document has been confirmed as received. Participants wishing to make any changes to a return or other document that has been filed using the Telefile system must file an amended return or other amended document in a paper format.

Section 770.130 Personal Identification Number (PIN)

a) Potential participants that have listed an individual and provided that individual's signature on the taxpayer's registration form as being responsible for the filing of returns and payment of the tax for that taxpayer may be issued a PIN by the Department.

b) The PIN issued by the Department, when utilized by the participant in combination with the participant's IBT number, will be used as the responsible person's electronic signature on the return or other document that is filed through use of the Telefile program. The use of the PIN in combination with the IBT number has the same legal effect as if the taxpayer had signed the return or other document that is a part of that Telefile filing.

c) Participants are responsible for notifying the Department when the person listed and whose signature appears on the Department's records as being responsible for the filing of returns and payment of the tax for that taxpayer no longer has that responsibility or authority on behalf of the taxpayer. Upon such notification, the Department will void that PIN. When the Department receives the necessary information regarding the person who is responsible for the filing of

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED RULEMAKING

- returns and payment of the tax for that taxpayer, the Department will issue a new PIN to that participant.
- d) The participant is responsible for the security and safekeeping of the PIN. Participants must notify the Department if the security of the PIN has been compromised or a new responsible person has been appointed as required in subsection (c) of this Section. Upon such notification, the Department will void that PIN and a new PIN will be issued.

Section 770.140 Confirmation Numbers

- a) Upon successfully entering all of the required return or other document information using the number keys on a touch-tone telephone, the participant will be given a confirmation number by the automated voice prompt system. A separate confirmation number will be given to the participant for each return or other document that is successfully filed using the TeleFile system.
- b) Participants must maintain a record of the confirmation numbers in order to establish that the returns or other documents were received by the Department on the dates that the confirmation numbers were issued.
- c) Failure to receive a confirmation number means that the return or other document was not filed using the TeleFile system.
- d) When an eligible return or other document has not been confirmed after three attempts, the participant should contact the Department for assistance by calling the telephone number provided in the Department's TeleFile information packet.

Section 770.150 Due Dates and Date Received

- a) The date that the telephone call is completed and a confirmation number is issued by the automated voice prompt system is the received date for the return or other document to which the confirmation number relates. For example, if a telephone call is initiated on one date and completed on another date, the date that the telephone call is completed is the date of filing. The confirmation number must be received and the telephone call must be completed by 11:59 p.m. CST (adjusted for Daylight Savings Time) on that date for the return or other document to be considered filed on that date.
- b) Returns that are filed through the use of TeleFile after the date that they are due will result in penalties for late filing as provided in 86 Ill. Adm. Code 700.300.

DEPARTMENT OF THE LOTTERY

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Organization, Rulemaking and Public Information
- 2) Code Citation: 2 Ill. Adm. Code 1350
- 3) Section Numbers: Adopted Action:
1350.110 Amendment
1350.120 Amendment
1350.APPENDIX A Amendment
- 4) Statutory Authority: Implementing and authorized by Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15] and Section 7.1 of the Illinois Lottery Law [20 ILCS 1605/7.1].
- 5) Effective Date of Amendment: November 22, 1999
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Date filed in Agency's principal office? November 1, 1999
- 9) Notice of Proposal Published in Illinois Register: Organizational rules are not required to be published in proposed format.
- 10) Has JCAR issued a Statement of Objections to these amendments? Organizational rules are not reviewed by JCAR.
- 11) Differences between proposal and final version: As noted above, these rules were not required to be submitted in proposed format.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? As noted above, these rules were not required to be reviewed by JCAR.
- 13) Will this amendment replace an emergency amendment currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: These amendments reflect the reorganization or renaming of several operational units within the Department of the Lottery, and a change in terminology with respect to Lottery ticket sales outlets.
- 16) Information and questions regarding these adopted amendments should be directed to:

DEPARTMENT OF THE LOTTERY

NOTICE OF ADOPTED AMENDMENTS

Lisa A. Crites, Rules Coordinator
 Illinois Department of the Lottery
 201 East Madison Street
 Springfield, Illinois 62702
 217/524-5253

The full text of the adopted amendments begins on the next page:

DEPARTMENT OF THE LOTTERY

NOTICE OF ADOPTED AMENDMENTS

TITLE 2: GOVERNMENTAL ORGANIZATION
 SUBTITLE D: CODE DEPARTMENTS
 CHAPTER XXVII: DEPARTMENT OF THE LOTTERY
 PART 1350
 ORGANIZATION, RULEMAKING AND PUBLIC INFORMATION

SUBPART A: GENERAL

Section
 1350.10 Definitions
 1350.20 Origin and Purpose

SUBPART B: ORGANIZATION

1350.110 Office Locations
 1350.120 Organization Structure

SUBPART C: RULEMAKING

1350.210 Rulemaking Procedure

SUBPART D: PUBLIC INFORMATION

1350.310 Form of Requests for Information
 1350.320 Disclosure of Information
 1350.330 Fees for Information

APPENDIX A Organization Chart

AUTHORITY: Implementing and authorized by Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15] and Section 7.1 of the Illinois Lottery Law [20 ILCS 1605/7.1].

SOURCE: Adopted at 20 Ill. Reg. 6894, effective May 7, 1996; amended at 23 Ill. Reg. **24122** -, effective NOV 22 1999.

SUBPART B: ORGANIZATION

Section 1350.110 Office Locations

The principal offices of the Department are located at 201 East Madison Street, Springfield, Illinois 62702 and 676 North Saint Clair, Suite 2040, Chicago, Illinois 60611. There are six regional and district offices located statewide which provide service and support to Lottery retailers agents and players, as well as a collections office located in Chicago. The statewide office addresses are as follows:

Region 1

Region 2

DEPARTMENT OF THE LOTTERY

NOTICE OF ADOPTED AMENDMENTS

10001 Derby Lane
Westchester, IL 60154

Region 3
200 South Wyman
Rockford, IL 61101

Region 4, District 9
1702 Broadway, Suite C
Mt. Vernon, IL 62864

Region 5
308 Eldorado Road
Bloomington, IL 61702

Collections
8616 South Pulaski
Chicago, IL 60652

(Source: Amended at 23 Ill. Reg. 14122 -- effective
NOV 22 1999)

Section 1350.120 Organization Structure

The Department is comprised of the Office of the Director, Marketing Division, Finance Division, and Operations Division. Certain aspects of the Department's operation are additionally overseen by the Lottery Control Board. The structure and responsibilities of each organizational segment of the Department are as follows:

- a) The Office of the Director consists of the Director of the Department; Assistant Director (Senior Public Service Administrator or "SPSA"); Executive Assistant to the Director in Chicago; Public Information Office; Internal Audit Unit; Legal Unit; Legislative Liaison; Human Resources Section ~~Personnel--BBG--and--Labor-Relations-Section~~; and Creative and Promotions Unit. The Office of the Director also assumes functional responsibility for the Sales Section.
 - 1) The Director, with the support of the Executive Assistant, oversees all aspects of agency operations.
 - 2) The Assistant Director (SPSA) serves as the agency's primary liaison with the Governor's Office of Statewide Performance Review, the Governor's Office of Strategic Planning, and the Comptroller's Service Efforts & Accomplishments Reporting program, for the purpose of ongoing assessment of the agency's function, objectives and performance.
 - 3) The Public Information Office prepares press releases and otherwise disseminates general information to the public regarding the Department's operations and activities. The office additionally responds to requests for information from the public and the press, with the exception of inquiries made pursuant to the Freedom of Information Act or by members of the General Assembly.
 - 4) The Internal Audit Unit conducts an ongoing review of agency

DEPARTMENT OF THE LOTTERY

NOTICE OF ADOPTED AMENDMENTS

policies and practices to ensure compliance with the Act and rules promulgated pursuant thereto, and adherence to accepted accounting and business standards.

- 5) ~~4~~ The Legal Unit provides legal counsel to the Director, Department personnel and the Lottery Control Board on both policy issues and proposed actions affecting Department operations; coordinates litigation involving the Department, agency administrative hearings, and agency rulemaking; responds to requests for information pursuant to the Freedom of Information Act; and reviews agency contracts and advertising.
- 6) The Legislative Liaison ~~is--assigned--to--the--Legal--Unit--and~~ monitors the status of state and federal legislation impacting the Department, secures sponsorship for legislation developed by the Department, prepares agency position papers regarding pending legislation, and responds to inquiries from members of the General Assembly concerning the Department's operations.
- 7) ~~5~~ The Human Resources Section ~~The--Personnel--BBG--and--Labor-Relations--Unit~~ provides human resource services for the Department, encompassing employee benefits, worker's compensation, labor relations, organizational analysis, equal employment opportunity and affirmative action, and personnel transactions.
- 8) ~~6~~ The Creative and Promotions Unit develops special game and promotion concepts, typically involving the participation of private sector firms, designed to increase sales of Lottery products.
- 9) ~~7~~ The Sales Section administers the sale and distribution of Lottery products through the Department's statewide regional and district offices and through the agency's telemarketing program. Sales Section staff recruit new Lottery retailers ~~agents~~ to sell the Department's products, and provide service to thousands of existing Lottery retailers ~~agents~~ through product orientation, point of sale marketing services and claims assistance.
- b) The Marketing Division consists of the Office ~~Offices~~ of the Deputy Director ~~and--Assistant-Deputy-Director~~, the On-Line Product Section, the Instant Product Section and the Sales Section. The Marketing Division collectively manages the development and marketing of all Lottery games and products, working closely with the Department's on-line games provider, instant ticket supplier, advertising and promotion agencies, Creative and Promotions staff, and sales force to maximize product sales.
- c) The Finance Division consists of the Office of the Deputy Director, Chief Accountant, Finance & Contracts Section ~~Financial--Accounting Section~~, Ticket Validation Section, Functional Support Section, Return Ticket Control Section and Collections Section.
 - 1) The Office of the Deputy Director administers all financial functions of the Department, including management of the Department's investment portfolio which funds deferred Lottery

DEPARTMENT OF THE LOTTERY

NOTICE OF ADOPTED AMENDMENTS

prizes, development and administration of the agency's budget, payment of prizes, and collection of sales proceeds.

- 2) The Chief Accountant, with the support of the Finance & Contracts Section, ~~Financial Accounting~~ Section prepares agency financial reports, monitors budgetary compliance, deposits and transfers funds, processes vouchers for prizes or payments, manages accounts receivable, processes payroll, files liens for past-due amounts, prepares and processes agency contracts, and manages the agency's petty cash fund.

- 3) The Ticket Validation Section verifies prize claims submitted for payment through the Department's central office, initiates prize payment to verified Lottery winners, coordinates payment of prizes through the Department's statewide checkwriting centers, processes certain requests for credit from Lottery retailers agents, and conducts special drawings, including selection of contestants for the Department's televised game show.

- 4) The Functional Support Unit prepares and maintains the Department's personal services budget, manages the Department's vehicle fleet and coordinates agency needs with the Department of Central Management Services motor pool, provides agency-wide staffing support for special projects, and is responsible for agency property control.

- 5) The Return Ticket Control Section receives and audits instant tickets returned by Lottery retailers agents, processes Lottery retailer agent stolen ticket claims, receives and conducts spot audits of retailer agent settlements, and audits promotional coupons for credit to retailers agents.

- 6) The Collections Office manages the collection of overdue monies from Lottery retailers agents and doubles as a checkwriting center.

- d) The Operations Division consists of the Office of the Deputy Director, Administrative Operations Section and Information Resource Services Section.

- 1) The Office of the Deputy Director manages the internal security, administrative operations and data processing functions of the Department, and coordinates activities with the Illinois State Police, such as investigations of ticket alterations and background checks of Lottery retailers agents.

- 2) The Administrative Operations Section provides building security; manages real estate leasing, printing, procurement, mail services, supply services, maintenance, and forms design and control; processes on-line game subscriptions; processes Lottery retailer agent applications; and manages the Department's records retention program.

- 3) The Information Resource Services Section manages the data processing and telecommunications functions for the agency, including system design and programming services for both mainframe and personal computers; procurement of voice, data and

DEPARTMENT OF THE LOTTERY

NOTICE OF ADOPTED AMENDMENTS

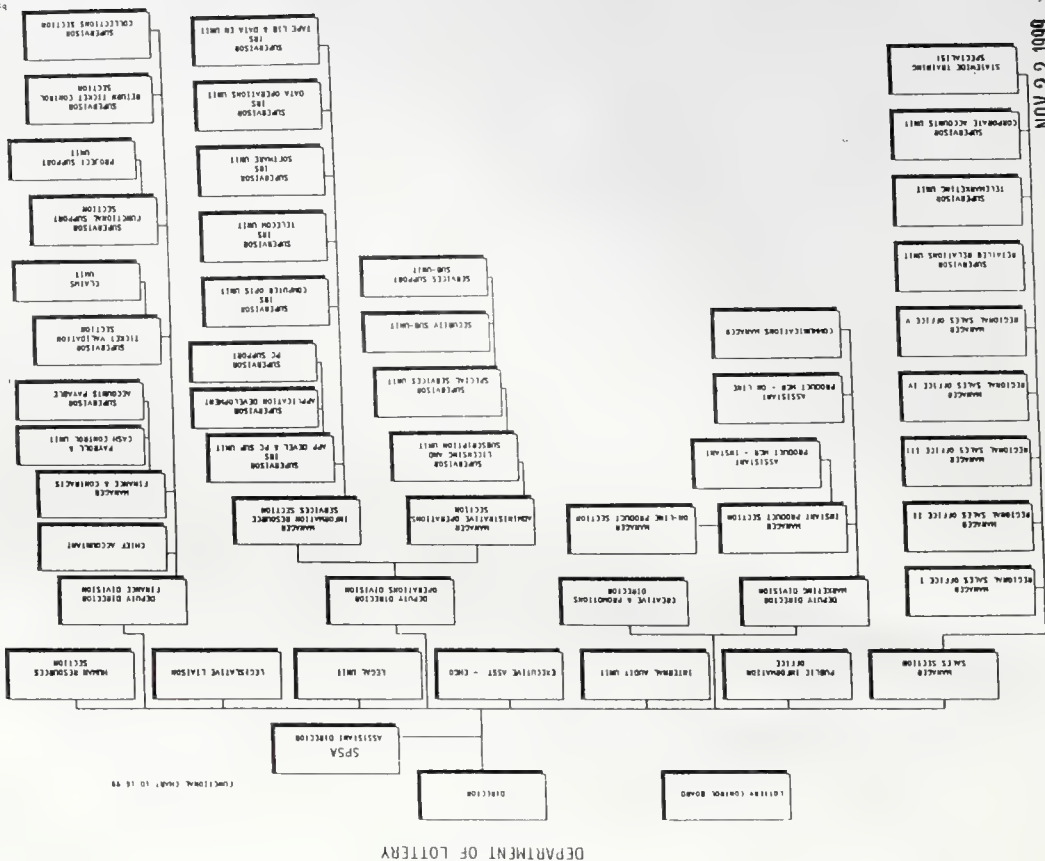
radio communications systems and services; and data entry and control.

- e) The Lottery Control Board is a five (5) member advisory board appointed by the Governor which meets at least quarterly. It designates hearing officers and reviews hearing officer recommendations upon appeal, reports to the Governor and other officials any matters necessitating immediate change to the Act or to the Department's rules, makes recommendations to the Director regarding the functions and operations of the Department, and reviews proposed advertising to ensure compliance with established advertising policy.

- f) A functional organization chart appears in Appendix A of this Part.

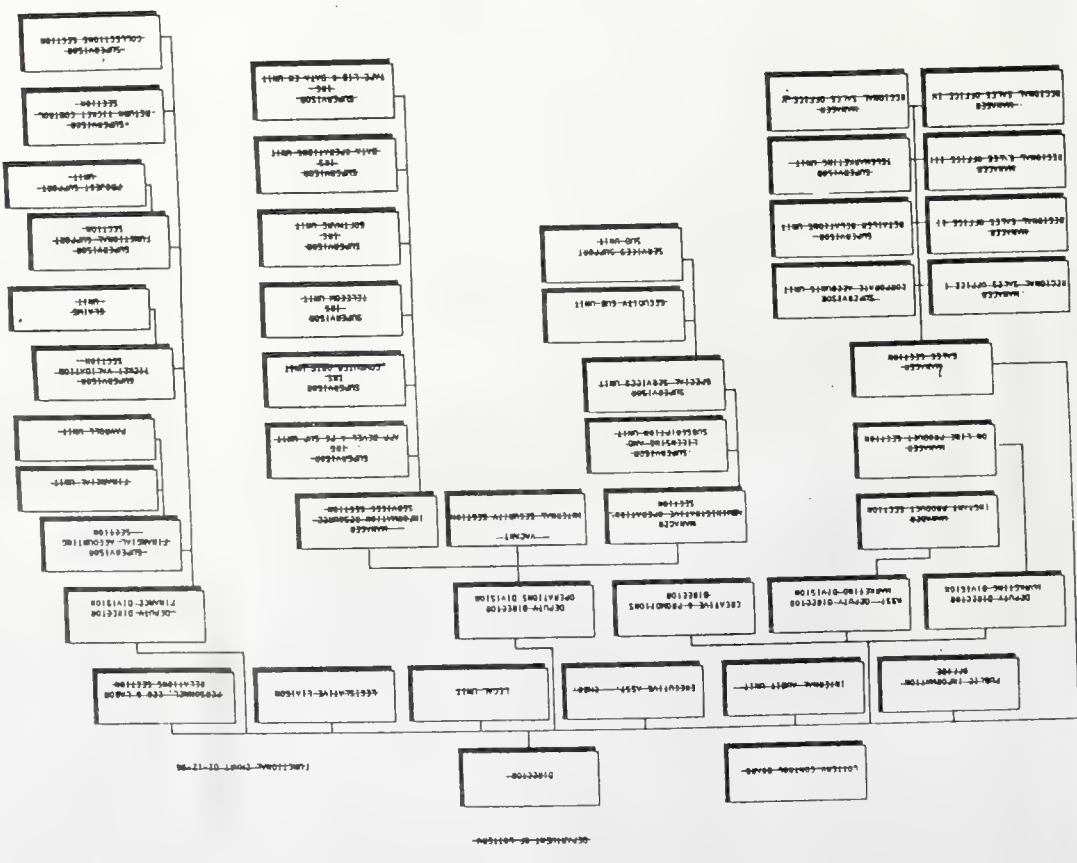
(Source: Amended at 23 Ill. Reg. 14122, effective NOV 22 1999)

DEPARTMENT OF THE LOTTERY
NOTICE OF ADOPTED AMENDMENTS



DEPARTMENT OF THE LOTTERY
NOTICE OF ADOPTED AMENDMENTS

Section 1350.APPENDIX A Organization Chart



DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT(S)

1) Heading of the Part: Pharmacy Practice Act of 1987

2) Code Citation: 68 Ill. Adm. Code 1330

3) Section Numbers: Adopted Action:
1330.60 Amendment

4) Statutory Authority: Pharmacy Practice Act of 1987 [225 ILCS 85]

5) Effective Date of Amendments: November 18, 1999

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Date Notice of Rulemaking Published in Illinois Register: August 27, 1999, at 23 Ill. Reg. 10103

10) Has JCAR issued a Statement of Objections to this rulemaking? No

11) Difference(s) between proposal and final version: None

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will the rulemaking replace an Emergency Amendment currently in effect?
No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendments: Section 1330.60 adds passage of the Illinois multi-state jurisprudence examination to replace mandatory orientation sessions covering Illinois law and practice for endorsement applicants.

16) Information and questions regarding these adopted amendments shall be directed to:

Department of Professional Regulation
Attention: Jean Courtney
320 West Washington, 3rd Floor
Springfield, Illinois 62786
217/785-0813
Fax: 217/782-7645

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT(S)

The full text of the adopted amendments begins on the next page:

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 68: PROFESSIONS AND OCCUPATIONS
 CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
 SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1330

PHARMACY PRACTICE ACT OF 1987

| Section | Definitions |
|----------|--|
| 1330.05 | Application for Certificate of Registration as a Pharmacy Technician |
| 1330.10 | Approval of Pharmacy Programs |
| 1330.20 | Graduates of Programs Not Approved Pursuant to the Provisions of Section 1330.20 |
| 1330.30 | Application for Examination |
| 1330.40 | Examination for Licensure |
| 1330.50 | Application for Licensure on the Basis of Examination |
| 1330.55 | Endorsement |
| 1330.60 | Patient Counseling |
| 1330.65 | Definitions (Renumbered) |
| 1330.70 | Security Requirements |
| 1330.75 | Violations |
| 1330.80 | Divisions of Pharmacy Licenses |
| 1330.90 | Division I Pharmacies |
| 1330.91 | Division II Pharmacies |
| 1330.92 | Division III Pharmacies |
| 1330.93 | Division IV Pharmacies |
| 1330.94 | Division V Pharmacies |
| 1330.95 | Nonresident Pharmacies |
| 1330.96 | Automated Dispensing and Storage Systems |
| 1330.98 | Parenteral Product Standards |
| 1330.99 | Application for a Pharmacy License |
| 1330.100 | Granting Variances |
| 1330.110 | Renewals |
| 1330.120 | Restoration |
| 1330.130 | Continuing Education |
| 1330.140 | |

AUTHORITY: Implementing the Pharmacy Practice Act of 1987 [225 ILCS 85] and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

SOURCE: Rules and Regulations Promulgated for the Administration of the Illinois Pharmacy Practice Act, effective August 20, 1975; amended March 8, 1977; amended at 4 Ill. Reg. 1234, effective July 11, 1980; amended at 5 Ill. Reg. 2997, effective March 11, 1981; codified at 5 Ill. Reg. 11049; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 7448, effective June 15, 1982; amended at 7 Ill. Reg. 6496, effective June 30, 1983; amended at 9 Ill. Reg. 16918, effective October 23, 1985; amended at 10 Ill. Reg. 21913, effective December 17, 1986;

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT(S)

transferred from Chapter I, 68 Ill. Adm. Code 330 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1330 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2957; amended at 12 Ill. Reg. 17394, effective October 14, 1988; amended at 16 Ill. Reg. 19811, effective December 7, 1992; amended at 21 Ill. Reg. 12600, effective August 29, 1997; amended at 22 Ill. Reg. 21959, effective December 18, 1998; amended at 23 Ill. Reg. 14131, effective November 18, 1999.

Section 1330.60 Endorsement

a) An applicant who is currently licensed by examination under the laws of another U.S. jurisdiction or another country shall file an application with the Department, together with:

- 1) Certification of graduation from a 5 year pharmacy program approved pursuant to Section 6 of the Act and Section 1330.20 of this Part;
- 2) For individuals licensed in another state prior to January 1, 1983, proof of having completed the hours of apprenticeship; or, if at least 1500 hours of apprenticeship were not required, an affidavit attesting to the period of the applicant's active experience as a pharmacist;
- 3) A certification by the state or territory of original licensure, stating:
 - A) The time during which the applicant was licensed in that state;
 - B) Whether the file on the applicant contains any record of any disciplinary actions taken or pending;
 - C) A brief description of the examination and the applicant's grades; and

4) Proof of successful passage of the Illinois multi-state jurisprudence examination; and

5) The fee as required by Section 25 of the Act.

b) The Department and the Board shall examine each application to determine whether the requirements, at the time of licensure in the state where the applicant was licensed by examination, were substantially equivalent to the requirements then in force in this State.

c) If the requirements are found to be substantially equivalent and the applicant graduated from an approved college of pharmacy and meets all other requirements of Section 6 of the Act, the Department will notify the applicant of approval and/or denial and the reasons therefor within 30 days after receipt of the application and supporting documentation.

d) If an application is approved, the applicant will be scheduled for and shall be required to attend an orientation session given by the Board which shall cover areas of Illinois law and practice and the disciplinary procedures of the Department.

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT(S)

e) The Department shall, within 30 days after the completion of the orientation, issue a license by endorsement to the applicant.

(Source: Amended at 23 Ill. Reg. 14131, effective NOV 18 1999)

STATE BOARD OF EDUCATION

NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS

- 1) Heading of the Part: Private Business and Vocational Schools
- 2) Code Citation: 23 Ill. Adm. Code 451
- 3) Register Citation to Notice of Proposed Rules: 23 Ill. Reg. 14079
December 4, 1999
- 4) Date, Time and Location of Public Hearing:

January 13, 2000
10 a.m. to 2 p.m.
Thompson Center, Suite 14-300
Conference Rooms A and B
100 W. Randolph
Chicago, Illinois

Persons may also participate on that same day and time via the State Board of Education's teleconferencing facilities at the Springfield office:

V-Tel Room, 3rd Floor
100 N. First St.
Springfield, Illinois

- 5) Other Pertinent Information: P.A. 90-649, effective July 24, 1998, affected several sections of the Private Business and Vocational Schools Act. In particular, the law authorizes the delivery of courses of instruction by distance education methods and establishes a new category of courses called "short courses." The proposed amendments include new Sections 451.55 and 451.285 to address these areas. In addition, numerous other changes are being made to specifically reference requirements for schools that choose to offer courses of instruction through distance education means.

Other changes in the law are more technical in nature and affect the reporting period and content of such reports, date of admission, amount of the registration or application fees, and refund requirements. The regulatory changes necessitated by these amendments have been made in the appropriate sections of the rules.

Persons giving testimony are asked to provide two copies of their comments in writing to the State Board of Education staff at the time of testimony. Written comments should be limited to 10 pages.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF OBJECTION TO
PEREMPTORY RULEMAKING

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

Heading of the Part: Pay Plan

Code Citation: 80 Ill Adm Code 310

Section Numbers: APPENDIX A
TABLE B

Date Originally Published in the Illinois Register: 10/22/99
23 Ill Reg 13132

At its meeting on November 16, 1999, the Joint Committee on Administrative Rules objected to the peremptory rules of the Department of Central Management Services entitled Pay Plan (80 Ill Adm Code 310; 23 Ill Reg 13132) because CMS' use of peremptory rulemaking in this situation is not authorized under Section 5-50 of the IAPA. The rulemaking is not reflecting a collective bargaining agreement, nor was it adopted within the 30 day window during which peremptory rulemaking can be used.

Failure of the agency to respond within 90 days after receipt of the Statement of Objection shall be deemed a refusal. The agency's response will be placed on the JCAR agenda for further consideration.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of November 16, 1999, through November 22, 1999 and have been scheduled for review by the Committee at its December 14, 1999 meeting in Chicago. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

| Second Notice Expires | Agency and Rule | Start Of First Notice | JCAR Meeting |
|-----------------------|--|-----------------------------|--------------|
| 12/30/99 | Department of Transportation, Procedures and Enforcement (92 Ill Adm Code 386) | 9/10/99 23 Ill Reg 11003 | 12/14/99 |
| 12/30/99 | Department of Transportation, Motor Carrier Safety Regulations: General (92 Ill Adm Code 390) | 9/10/99 23 Ill Reg 10979 | 12/14/99 |
| 12/30/99 | Department of Transportation, Qualification of Drivers (92 Ill Adm Code 391) | 9/10/99 23 Ill Reg 11015 | 12/14/99 |
| 12/30/99 | Department of Transportation, Driving of Motor Vehicles (92 Ill Adm Code 392) | 9/10/99 23 Ill Reg 10966 | 12/14/99 |
| 12/30/99 | Department of Transportation, Parts and Accessories Necessary for Safe Operation (92 Ill Adm Code 393) | 9/10/99 23 Ill Reg 10999 | 12/14/99 |
| 12/30/99 | Department of Transportation, Hours of Service of Drivers (92 Ill Adm Code 395) | 9/10/99 23 Ill Reg 10969 | 12/14/99 |
| 12/30/99 | Department of Transportation, Inspection, Repair and Maintenance (92 Ill Adm Code 396) | 9/10/99 23 Ill Reg 10974 | 12/14/99 |
| 12/30/99 | Department of Transportation, Driving and Parking (92 Ill Adm Code 397) | 9/10/99 23 Ill Reg 10962 | 12/14/99 |

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

| | | | | | |
|----------|---|--------------------------------|----------|---|--|
| 12/30/99 | Board of Higher Education, General Grant Programs (23 Ill Adm Code 1001) | 10/1/99 23 Ill Reg 11801 | 12/14/99 | PROPOSED 17-2520-43 17-3050-49 23-151-45 23-151-46 23-451-49 23-1002-44 23-1501-46 20-117-46 23-375-47 23-452-46 23-1050-43 32-505-43 38-190-48 44-500R-43 44-500-43 44-1200R-46 56-299-48 68-1330-49 77-250-47 77-280-44 77-2090-47 80-303-47 80-310-43, 46, 48 80-1600-46 83-451-47 89-112-47 89-113-47 89-114-47 89-140-46 89-146-46 89-148-46 89-153-46 89-300-46 89-301-43 89-510-44 86-105-48 86-106-44 86-750-46 86-770-49 89-113-45 89-114-48 89-121-44, 45, 48 89-336-44 89-356-46 89-361-43 89-515-44 89-679-45 89-686-45 92-1457-46 | ADOPTED 2-1350-49 11-100-46 11-300-47 11-1305-47 11-1424-47 20-117-46 23-375-47 23-452-46 23-1050-43 32-505-43 38-190-48 44-500R-43 44-500-43 44-1200R-46 56-299-48 68-1330-49 77-250-47 77-280-44 77-2090-47 80-303-47 80-310-43, 46, 48 80-1600-46 83-451-47 89-112-47 89-113-47 89-114-47 89-140-46 89-146-46 89-148-46 89-153-46 89-300-46 89-301-43 89-510-44 86-105-48 86-106-44 86-750-46 86-770-49 89-113-45 89-114-48 89-121-44, 45, 48 89-336-44 89-356-46 89-361-43 89-515-44 89-679-45 89-686-45 92-1457-46 |
| 12/30/99 | Board of Higher Education, State Matching Grant Program (23 Ill Adm Code 1038) | 10/1/99 23 Ill Reg 11803 | 12/14/99 | | |
| 12/31/99 | Department of Professional Regulation, Collection Agency Act (68 Ill Adm Code 1210) | 10/1/99 23 Ill Reg 11814 | 12/14/99 | | |
| 12/31/99 | Department of Professional Regulation, Detection of Deception Examiners Act (68 Ill Adm Code 1230) | 10/1/99 23 Ill Reg 11820 | 12/14/99 | | |
| 12/31/99 | Department of Professional Regulation, Private Detective, Private Alarm, Private Security, and Locksmith Act of 1993 (68 Ill Adm Code 1240) | 10/1/99 23 Ill Reg 11847 | 12/14/99 | | |
| 12/31/99 | Department of Professional Regulation, Environmental Health Practitioner Licensing Act (68 Ill Adm Code 1247) | 10/1/99 23 Ill Reg 11824 | 12/14/99 | | |
| 12/31/99 | Department of Professional Regulation, The Illinois Landscape Architecture Act of 1989 (68 Ill Adm Code 1275) | 10/1/99 23 Ill Reg 11866 | 12/14/99 | | |
| 12/31/99 | Department of Professional Regulation, Illinois Physical Therapy Act (68 Ill Adm Code 1340) | 10/1/99 23 Ill Reg 11838 | 12/14/99 | | |
| 1/2/00 | Department of Public Health, Ambulatory Surgical Treatment Center Licensing Requirements (77 Ill Adm Code 205) | 7/16/99 23 Ill Reg 7849 | 12/14/99 | | |
| 1/5/00 | Department of Human Services, Determination of Need (DON) and Resulting Service Cost Maximums (SCMs) (89 Ill Adm Code 679) | 8/27/99 23 Ill Reg 9987 | 12/14/99 | | EMERGENCY 23-1002-44 59-299-48 68-1440-45 89-121-44 PEREMPTORY 80-310-43 |
| 1/5/00 | Department of Human Services, Closure (89 Ill Adm Code 617) | 9/3/99 23 Ill Reg 10780 | 12/14/99 | | |

Rules acted upon during the calendar quarter from Issue 43 through Issue 52 are listed in the Issues Index by Title number, Part number and issue number. For example, 50 Ill. Adm. Code 2500 published in Issue 1 will be listed as 50-2500-1. The letter "R" designates a rule that is being repealed. Inquiries about the Issues Index may be directed to the Administrative Code Division at 217-782-4414 or jnatale@ccgate.sos.state.il.us (Internet address).



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